

Unaccompanied minors in Canada:  
How social and legal services affect their lives in Ontario

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Child and Youth Studies

Submitted in partial fulfillment  
of the requirements for the degree of  
Master of Arts

Faculty of Social Sciences, Brock University  
St Catharines, Ontario

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### Abstract

This qualitative research examines how service provisions affect lives of unaccompanied minors in Canada. In this study I utilized a semi-structured individual interview method. Among thirteen participants in my study, five came to Canada as unaccompanied minors and eight are professionals involved with service providing organizations in the Niagara region. The unaccompanied children that I interviewed had mixed experiences. Social and legal supports were made available to some of them while one was deported.

This paper employs Bhabha's postcolonial perspective and Foucault's governmentality to illustrate unaccompanied minors' post-arrival situation in Canada. This paper also attempts to look at children's rights from Hanson and Nieuwenhuys's (2013) perspective of living rights, social justice and translations. This paper explores how the change in recent immigration law affects the lives of unaccompanied minors. Findings of this study suggest that it is important to have a consensus on the definition of an unaccompanied minor; improved data collection and record-keeping on the number of unaccompanied minors; and, having a government-approved follow up mechanism. The study recommends policy makers, service providers and scholars pay increased attention to the experiences of unaccompanied minors to ensure that adequate social and legal services are offered to an unaccompanied minor in Canada.

### Acknowledgement

I wish to express my gratitude to many wonderful people whose support paved the way to arrive almost at the end of my two years' journey with the M. A. program. First of all, I am glad to have such an opportunity to be a graduate student in the Department of Child and Youth Studies at Brock University.

I am grateful to my advisor Dr. Tom O'Neill for his guidance during the days as I worked with my thesis. I express my deep appreciation and thanks to him for choosing me as an M. A. student. I enjoyed working with him a lot especially for his flexible schedule, critical reflections on my work, openness to share his own viewpoints and at the same time allowing me to present my arguments. His encouragement and insightful comments on my paper helped me consider both sides of the thing. I am also thankful to my thesis committee members for their very positive attitude and invaluable support to my thesis. Thanks so much to Dr. Shauna Pomerantz for her very thought provoking questions and inspiring comments that have made me more passionate towards my work. She has always been a tower of strength and support over the years. Many thanks to Dr. Christine Tardiff-Williams for her kind suggestions and queries that helped me a lot in expanding on my ideas further details for the readers. Not only as my thesis committee member, she has always been a wonderful guide with her amazing support as a Graduate Program Director. I am truly thankful to Dr. Carl James who, as an external, reviewed my thesis very carefully and provided with useful suggestions, which helped a lot in finalizing my thesis.

A special appreciation I give to Dr. Rebecca Raby, the Chair of this department whose very critical and optimistic perspective along with her keen interest in my work and friendly guidance generated enthusiasm in me many a times. Furthermore, I would like to acknowledge

with much thankfulness the important role of Martha Masson, the Executive Director of Fort Erie Multicultural Center who provided an open-handed support to organize my research interviews at Fort Erie. I express my sincere thanks to Lianne Fisher who provided such a selfless support in editing my thesis. This acknowledgment would remain incomplete if I do not express my heartfelt thanks to my research participants, both unaccompanied youths in Canada and workers involved with different organizations, who have willingly shared their opinions during the process of interviewing. I believe I have done justice to them.

Finally, I have to thank my parents for their unconditional love and care throughout my life. I am forever indebted to my mother Romana Khatun and my father A. M. Aminul Haque for giving me unfailing emotional supports and freedom to chase my dreams. In spite of staying far away from home right now, I never feel apart from their kindness. I remember them with gratitude. Also my two younger brothers, Rezwan and Ahasan, and some other people who deserve my wholehearted thanks for their priceless encouragement that helped me to overcome many of the challenges. I cannot list all the names here, but they are always in my mind for their significant contribution.

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**Chapter 1: Introduction**

The number of children coming to Canada unaccompanied by an adult is happening more frequently. These small but growing numbers of unaccompanied children come from different countries with different objectives. Although a substantial body of literature is available on adult migrants and adult refugee claimants, little is known about the life situation of unaccompanied minors, in particular how and what services are provided to them. I am very interested to examine the situation of unaccompanied minors in Canada, especially in Ontario. Data from the Peace Bridge Newcomer Center at Niagara shows that the number of unaccompanied minors at the Fort Erie port of entry was 38, 52 and 47 in 2007, 2008 and 2009 respectively (Living in Niagara, 2011). Although these data represent only one entry point they provide some idea about the arrival of unaccompanied minors into Canada and point to a need to be concerned with the situation of minors coming to Canada alone. This largely invisible but important population of newcomers requires support and services upon their arrival, especially during an asylum-seeking process that could be challenging for them. The literature shows that different scholars and policy documents define these children in different ways that may lead to inconsistency and inadequacy in the service provisions for unaccompanied minors. It has been almost ten years since the matter of a lack of a uniform definition for what constitutes an “unaccompanied minor” has drawn the attention of international bodies. Wouk, Yu, Roach, Thomson & Harris (2006) point out that “the concluding observations of the UN Convention on the Rights of the Child monitoring Committee 2003 is especially concerned about the absence of a definition of ‘separated children’ and the lack of reliable data on asylum-seeking children” (p. 126).

The above situation indicates that unaccompanied minors have not received adequate attention. There has not been much research on the group of minors traveling alone to Canada. Along with Wouk et al. (2006), many scholars confirm the unavailability of adequate



information and data in this field. The literature reveals that children's travelling alone from one place to another is not a new phenomenon and the problem is not confined to Canada only. This occurrence takes place worldwide that includes countries such as, Ethiopia, the USA, Haiti, India, Sri Lanka, China and many others. Scholars consider that war, conflict, disaster, political restlessness, child neglect and abuse, racism and harassment, identity conflict, failure to acculturate and family problems are major causes that push children to travel alone (Westermeyer, 1991). Generally, a hope for a better life, a dream of having a good income, or the quest for safety and security are factors that pull young travelers to a new destination.

According to the United Nations High Commissioner for Refugees (UNHCR, 2010), in 2009 more than 18,700 asylum applications were lodged by unaccompanied and separated children in 71 countries. Nevertheless, "collecting accurate and reliable statistics on this group poses a challenge due to lack of proper identification and registration mechanism in place in some countries" (UNHCR Statistical Yearbook, 2008, p. 48). Therefore, in spite of a systematic collection of data on unaccompanied and separated children (UASC) claiming asylum, "the global number of UASC who annually submit individual asylum claims remains unknown, largely because important destination countries such as Canada, South Africa, and the United States of America do not provide this information" (UNHCR Statistical Yearbook, 2008, p. 48). Yet the literature shows that Canada was "the first country in the world to develop special guidelines in 1996 for dealing with unaccompanied minors" and also "Canada received the Nansen Medal from UNHCR for its outstanding effort on behalf of refugees" in 1986 (Ali, 2006, p. 69). I find it questionable that despite being a medal awarded country, as well as the pioneer in developing special guidelines, Canada does not provide information to the UNHCR on unaccompanied minors.

However, the focus of this research is not to investigate this questionable policy that the Canadian government has been following, but rather to examine the life situation of unaccompanied minors who arrive in Ontario, with special attention given to how service provisions affect their lives. The literature shows that “Ontario, which receives the highest number of child asylum seekers, has no arrangement with child welfare to place the children when this is necessary during the refugee determination process” (Grover, 2007, p. 353). My study aims to show how child welfare organizations and, NGOs provide services to an unaccompanied minor in Niagara region.

This paper has five objectives. 1) To analyze different terminologies used by scholars to refer to unaccompanied minors. For example, scholars often define these children as undocumented, refugee, stateless, separated and asylum-seekers. Similarly, several definitions of unaccompanied minors are used in policy documents. 2) To attempt to uncover people’s ideas and knowledge about this group of children, especially of those who are working closely with unaccompanied minors and youth. 3) Much of the literature demonstrates that unaccompanied minors are also likely to become vulnerable to being trafficked. Therefore, showing the distinction between unaccompanied children and trafficked children is another objective of this paper. 4) This paper also depicts the affect of changes in immigration laws on lives of this youth group. Evidence shows that globally mobile minors are not heard of since “much social policy, immigration regulation is adult-centric” (Chin, 2004, p. 311). In addition, absence of appropriate policy often becomes news headlines, for instance: “Group wants national policy on child refugees” (cnews, August 19, 2012). So, it is important to look at how policy acts and fails to provide necessary support to unaccompanied minors traveling to Canada. 5) Finally, from theoretical point of view this paper illustrates how the concepts of (a) postcolonialism, (b)

governmentality and (c) living rights, translations and social justice fit with the issue of unaccompanied minors in Canada. In addition, this paper also sheds light on globalization and neo-liberalism that impact on the journey of unaccompanied minors and young people directly and/or indirectly.

Now I would like to begin with the reviewed literature where I carefully looked over last ten years' literature on unaccompanied minors' life situation.

## **Chapter 2: Literature review**

### **2.1 Definition conundrum: In need of a consensus**

From a historical point of view, “it is more specifically during the World War II period, with the mass migrations of refugee populations, that the term unaccompanied minors came into use” (Montgomery et al., 2001, p. 104). However, child migration has drawn the attention of human rights advocates and researchers of immigration for the last fifteen years (Bhabha, 2011). A dilemma exists among scholars, as well as policy-makers on defining unaccompanied children. According to the United Nations Convention on the Rights of the Child (UNCRC, 1989), “age” is the main factor to consider in defining a ‘child’. It is important to note that there is no agreement among the provinces of Canada on determining the age at which an individual is no longer considered a child. For example, “the age range for child protection in Canada, however, varies from under nineteen in British Columbia to under sixteen in Ontario” (Kumin & Chaikel, 2002, p. 75). Each province and territory decides the age of majority and anyone under the age of majority is considered to be a “minor child”. The “age of majority is 18 in Alberta, Manitoba, Ontario, Prince Edward Island, Quebec, and Saskatchewan; and the age of majority is 19 in British Columbia, New Brunswick, Newfoundland, Nova Scotia, Northwest Territories, Nunavut, Yukon” (Government of Canada website, 2012). Yet this information contradicts with the information in another statement that specifically asks that “persons under 18 years of age travelling by themselves must have their own passports” (Government of Canada website, 2012).

Unfortunately, such overlap in definitions makes the process complicated and has the potential to harm the child or young person involved. For example, a 19 year old would be considered a “minor child” if s/he arrives at the port of entry at British Columbia while the same person would be considered an adult if s/he arrives at the port of entry at Ontario. Chin (2003)

illustrates that “these unaccompanied minors are complicated conundrums for the state: their status as children is produced by global dynamics of childhood itself, yet the circumstances of their mobility and their ‘unaccompanied’ state place them outside childhood’s boundaries” (p. 311). Referring to accurate age determination, Bhabha (2011) argues that “if the political climate is one of mistrust or xenophobia, the value of even genuine birth certificates can be undermined” (p. 27). Despite the need of reaching a consensus about determining the age of children, a physiologically based process of age determination is termed as “complex and controversial” (Watters, 2008). Because, “according to guidelines issued by the Royal College of Paediatrics and Child Health in 1999, age determination is an inexact science and the margin of error can sometimes be as much as 5 years or either side” (Watters, 2008, p. 72). Therefore, with a view to have more holistic assessment, wrist and dental procedures to determine age of a child have been discarded in the UK (Watters, 2008). . It seems that the UNCRC’s definition of children is based on biological age as it did not take psychological needs and maturity of human beings into consideration. The government of Canada needs to think of finding an acceptable method to determine the age of unaccompanied minors

As mentioned above, scholars and policy makers have yet to agree on a definition of what represents an unaccompanied minor. According to the widest definition, an unaccompanied minor is a child “who is not with both parents who have documents, such as birth certificates, marriage licenses, or passports, to prove the relationship” (Wouk et al., 2006, p. 127). Unaccompanied children are also termed as refugee and asylum-seekers (Dillon, 2010, p. 554). However, Derluyn et al. (2009) claim that “of the trafficking victims, it is estimated that at least one-third are unaccompanied or separated” minors (p. 165). Here it seems that Derluyn et al. (2009) consider the terms “unaccompanied” and “separated” to mean the same group. Uehling

(2008) and Terrio (2008) use these two terms, “unaccompanied” and “undocumented” minors, to refer to the same group. Denov and Bryan (2010) describe them from a different perspective as they note that “among refugee children, those who are unaccompanied are at the highest risk, because of the interplay between traumatic experiences and separation from significant emotional relationships” (p.67). Scholars often term these children ‘stateless’. According to Bhabha (2011), “a stateless person is defined in international law as a person who is not considered as a national by any state” (p. 3). She explains that there are different manifestations of being “a stateless person” which can happen if there is an absence of any nationality, if the child is unregistered, and also if there is an absence of legal migration status despite a legal nationality (Bhabha, 2011). To support this argument, Kanics (2011) points out five categories through which children may become stateless in Ireland. These are: “(1) entered the country irregularly, (2) overstayed or otherwise violated the conditions of their visa, (3) were trafficked to Ireland, (4) were not granted refugee status after making an asylum application but stayed in the country, and (5) joined legal resident family members but lacked an independent right of residence themselves” (Kanics, 2011, p. 131).

The group that my paper attempts to address is Kanics’ first one, those individual who have entered the country irregularly. In this section, however, I distinguish between the concept of unaccompanied minors in Canada and children of undocumented migrants in some European countries. Referring to citizenship and immigration process in Greece, Kanics (2011) states that “the children of undocumented migrants are not registered at birth” (p. 135). From a wider perspective, Grover (2007) writes that “not all children separated from parents or legal guardians are classed as unaccompanied children by Canadian immigration and refugee officials” (p. 352). She further explains:

If there is any doubt that an accompanying adult or the potential caregiver in Canada is in fact a bona fide family member of the child, then the child is considered an unaccompanied child. Children who arrive with adults who are suspected of trafficking the child are also considered unaccompanied for the purpose of refugee determination. Furthermore should the child arrive alone at a Canadian entry point and/or not have a potential family member as a caregiver in Canada, the child is likewise considered an unaccompanied child (p. 352).

On the other hand, Hopkins and Hill (2008) consider that “unaccompanied asylum-seeking children are also often referred to as unaccompanied children, unaccompanied minors or separated children” (p. 258).

A difference of opinion is also noticeable in the definitions set by the government organizations. The Citizenship and Immigration Canada (CIC) policy and program manual for immigration officers defines an unaccompanied or separated minor as a person “under 18 years of age and not accompanied by a parent or an adult legally responsible for them” (Elgersma, 2007). Like many scholars, the CIC uses the terms “unaccompanied” and “separated” to refer to the same group. It is important to note that this definition does not really indicate whether the children are viewed as “unaccompanied” if they already have a parent/ legal guardian in Canada. The Immigration and Refugee Protection Act (IRPA), which came into effect on June 28, 2002, defines an unaccompanied minor as an “unmarried refugee status claimant who has not reached his or her eighteenth birthday and does not have a parent or legal guardian in either Canada or the United States” (Ali, 2006, p. 70). The UNHCR and the NGOs have formalized the difference between separated children and unaccompanied children. “Separated minors have been separated from both parents, or from their previous legal or customary caregiver, but not necessarily from

another adult relative or friend; unaccompanied minors are separated from both parents and other relatives and are not being cared for by an adult who, by law or custom, is responsible for doing so” (Wouk et al., 2006, p. 127). This definition serves to distinguish between separated minors. However, again this notion falls into question when the UNHCR, in one of its reports, refers to “unaccompanied or separated children” as the same group of population (Mapp, 2011, p. 99).

While there is no disagreement with the vulnerability of unaccompanied and separated children, “the consensus breaks down, when it comes to identifying exactly who these minors are” (Wouk et al., 2006, p.127). Therefore, from a Canadian, as well as global perspective, the lack of agreement in defining unaccompanied children is a common problem. This is relevant to my research because in order to make an arrangement for an unaccompanied minor, service providers need to know if the minor is a ‘child’ according to the Canadian government’s definition.

## **2.2 Are we aware of the prevalent reality?**

This section highlights our understanding and awareness about the arrival of unaccompanied minors in Canada. Literature stresses that inconsistencies and lack of clarity in the provincial laws and policies regarding unaccompanied children in Canada lead people to remain in the dark about the arrival of unaccompanied minors in Canada. Because of the absence of a clear definition of unaccompanied children and lack of an appropriate data recording mechanism in Canada, many people disbelieve or are unaware of this growing phenomenon. Scholars note that these children are often termed as invisible. Bhabha’s (2011) argument explains this better in saying that “states have innocently overlooked the problems of migrant children and their correlative duties because of a dual perception lacuna: for issues of migration, they have focused on adults, and for issues of child welfare, they have focused on citizens” (p.



19). Thus minors arriving in Canada alone are either ignored or excluded from different service provisions and programs in many cases. Such strategy neither helps people to recognize the growing number of children arriving in Canada alone nor raises people's awareness about this issue. Due to lack of knowledge about unaccompanied minors and youths, these children are often misunderstood by the staff at the port of entry, by professionals working with them, and later by society in general.

A fair number of recommendations emerged from the roundtable discussion on asylum-seeking separated children held in Ottawa in 2001, where the sensitization and training on child protection issues drew considerable attention from the participants. Kumin and Chaikel (2002) point out that "many professionals working with separated children have extensive human rights or refugee protection training, but lack experience with children and are not necessarily sensitive to their specific needs" (p. 76). The objective for travel, experience and background of each unaccompanied minor is different, and that this needs to be taken into account by immigration officials and professionals. Hopkins and Hill's (2008) argue that "as many of the children did not know where they are traveling to, it is clear that their movement was not deliberate and tactical as is often the case with economic migration, and instead of was based on self-protection" (p. 266). This argument draws a distinction between the categories of migrants, and hence, there is no reason to label unaccompanied minors as economic migrants. Therefore, the approach to deal with these children needs to involve sensitivity, tactfulness and looking at the best interest of the child as affirmed by Hopkins and Hill (2008). Unfortunately, these children, in many cases, are not treated in a positive way because of people's disbelief in unaccompanied children's arrival and presence in Canada as well as lack of awareness about their backgrounds. In connection to the arrival of unaccompanied minors and youths in Canada, Bryan and Denov (2011) claim that

they appear in a country “where refugee is seen in opposition to categories of ‘Canadians’ and ‘ideal immigrant’, and where youth, particularly racialized, migrant youth, are regarded as inherently delinquent and potentially threatening” (p. 247). Presenting an example of how a CIC official labels these children as a ‘profiteers’, Bryan and Denov (2011) argue that the use of anti-refugee discourse strongly impacts on the lives of separated children. Referring to a spokesperson for the Canadian minister of Citizenship and Immigration, Bryan and Denov (2011) show that “he stated that Canada cannot allow the creation of a two-tier immigration system: one tier for people who wait patiently and legally in the queue to come to Canada and another for profiteers” (p. 248). Thus, Bryan and Denov (2011) point out that, a spokesperson for the minister of the CIC “serves to highlight the alleged clandestine nature of their arrival, while undermining the validity of their claims” (p. 248).

Unaccompanied minors are often treated as trafficked children “while this profile (being trafficked) is exceptional in relation to the unaccompanied minor population in general” (Montgomery et al., 2001, p. 105). After an engagement with the United Nations Office on Drugs and Crime and International Organization for Migration, TECL (Towards the Elimination of the worst forms of Child Labor) program of the International Labor Organization (2007) defines that a trafficked child is someone who “has been trafficked if he or she has been moved within a country, or across borders, whether by force or not, with the purpose of exploiting the child”. This definition shows an important distinction between a trafficked child and an unaccompanied child, although this differentiation has been addressed by a limited number of studies. A trafficked child may arrive alone in a port of entry, but an individual or an agency is involved with his/her travel. On the other hand, an unaccompanied minor is either pushed by or pulled to a number of factors to travel alone. Yet, a question arises: “are there observable

markers between migrant children and trafficked children?” (Yaquub, 2010, p. 167). This question has received very little scholarly attention. For example, “Some countries have crafted legislation focused on the needs of trafficked children, or abandoned and neglected children, without considering the overlaps between these categories and the commonalities in the needs of all unaccompanied migrant children” (Bhabha, 2010, p. 94). Unexpectedly, during the identification process, both categories of children are often collapsed since there is no such technique in Canada to distinguish them. Out of the three countries, that is the USA, the UK and Australia, the UK has made some initiatives “to institute programs to target trafficking in children through training of in-country border officials on profiling children who may have been trafficked” (Bhabha & Crock, 2007, p. 82).

In their study, Bhabha and Crock (2007) suggest that it is important for the U.S. and Australian governments to introduce training and operational programs to support immigration officials to identify unaccompanied children who may be trafficked. An unaccompanied child can often even be forced by his/her parents to travel alone. Montgomery et al. (2001) claims that children may not even know they will be leaving the family. Sometimes, “the parents decide what is best for the others and they don’t consult the youth” (Montgomery et al., 2011, p. 105). The best interests of the child may not be served if the child is mistakenly treated as being trafficked. The culture of disbelief is echoed in the argument made by Bhabha and Crock (2007) who show that a pervasive culture of disbelief and distrust exists among immigration officials, “not only regarding the claims from unaccompanied or separated children, but even regarding the reliability of expert reports” (p. 116). However, the dominant notion of childhood and family is embodied in the policy as well as in the society through which the confusion about unaccompanied children arises. Therefore, “when children do seek asylum, policies further

assume that they apply as members of families, not independently: children do not apply for asylum on their own behalf, their families do it for them” (Chin, 2003, p. 318). Policies that presume that children are always part of a family unit can create further difficulties for unaccompanied children.

### **2.3 The life situation of unaccompanied minors: Full of stress and struggle**

The meaning of the word ‘border’ is better understood by those who have crossed it at least once. Watters (2008) finds that “the globe shrinks for those who own it, but for the displaced or dispossessed, the migrant or refugee, no distance is more awesome than the few feet across borders and frontiers” (p. 29). The journey of an unaccompanied minor is a blend of fear with hope, stress with struggle, and anxiety with a dream. All of his/her hopes and dreams may turn false if his/her claim is unsuccessful. According to Human Rights Watch, “refugee children are among the most vulnerable children in the world” (Grover, 2007, p. 343), and their vulnerability is more acute when they are at the border alone. A great deal of literature shows that most unaccompanied minors’ lives end up being defined by stress and struggle after long days waiting for legal residency. Detention, though not allowed by international standards, is a common experience for these children. Mapp (2011) confirms that “detention for asylum-seeking youth, while against international policy, is often common” (p. 100). She also refers to the example of Australia where unaccompanied children were placed in detention until July 2005 (Mapp, 2011). “Amnesty International has raised a series of specific concerns with respect to migrant and asylum-seeking minors, many of these centering on the issue of detention” (Watters, 2008, p. 35). After participating in a series of interviews and maintaining official claiming procedure which is common for both an adult and a child, the minors start counting days, sometimes years, for a decision. Ali (2006) indicates that “...the success of an unaccompanied

child's refugee claim largely depends on his/her ability to provide a coherent and evidence-rich account of the past events" (p. 72). Unfortunately, few statistics are available on the number of unaccompanied minors who are returned from Canada after their claims fail.

The "difficulties for these children do not end once they are granted refugee status because they face the stress of acclimatizing to a new country, a new culture and often a new language" (Mapp, 2011, p. 101). Unaccompanied minors experience various forms of persecution in their own countries and many of them "continue to suffer human rights abuses in the countries of asylum that have become their temporary or permanent sanctuary" (Grover, 2007, p. 343). Based on the legal framework of the Children and Family Services Act 1984, the Children's Aid Society (CAS) has been providing services to these children up to the age of sixteen years. "Sixteen and seventeen year olds therefore do not routinely receive assistance by the CAS" (Ali, 2006, p. 76). The uncertainty of the legal status of unaccompanied minors can sometimes make child welfare agencies disinclined to take the responsibility because this uncertainty may work as a barrier to help these children access to public services (Ali, 2006). Thus, unaccompanied minors face multiple vulnerabilities. Access to education, health, housing and social services becomes a serious challenge for them. For many of them, survival even becomes questionable, as the case of many African unaccompanied minors who arrive in Spain, Rohingya children from Myanmar to Bangladesh, and Roma children to Italy.

Race and gender can also contribute to difficulties in adjusting with their existing vulnerabilities. Referring to one youth advocate's comment, Bryan and Denov (2011) discuss that "boys are understood as being risky to Canadian society, whereas girls are more at risk" (p. 257) and "the mobility of asylum-seekers is often reframed as criminal" (p. 260). For instance, the article titled, 'Youth refugees are not a threat' published in *Refugee Update* strongly supports

the second part of the above statement. The article shows how we put emphasis on the criminalization of a child refugee instead of examining “certain considerations around the matter of a child trying to adapt to a different country with a different culture and language” (Gaona-Puerta, 2012). The article refers to one of the worst tragedies in Toronto’s history related to gang violence which occurred in a Scarborough neighborhood where more than 20 were wounded and 2 killed in a burst of gunfire among a large group of youths in July 2012. After a few days of the event, media published a news that one of the youths under suspicion for the crime was a young 19 year old, who was a former refugee from Somalia to whom citizenship had been granted and the title of that news was “Alleged gunman arrived as a refugee” (The Toronto Sun, July 29, 2012). Anybody from reading this news headline would easily get an idea that all refugees are potential threats. I find it highly unfair to see the problem only from the city’s security perspective, because it should also consider how best services could be provided to an unaccompanied minor to ensure his/her wellbeing in his youth.

Montgomery et al. (2001) observe that in terms of the protection of unaccompanied minors and youths, the most instantaneous concerns in the post migration days include “loss, shock, or trauma” (p. 106). The authors also note that strategies to adjust with the new situation may include “anger, aggressiveness, and assertiveness” (p. 107). Ali (2006) stresses that “anxiety and uncertainty associated with the lack of secure status and detention can have re-traumatizing effects on the child’s psyche” (p. 77). Further, unaccompanied children are found in all parts of the world and their life situation is often full of risk and suffering. Research evidence from Spain suggests, abuse by police and residential center staff is a common phenomenon as Dillon (2010) found that in Spain, the residential facilities are overcrowded, dirty, and lacking in privacy, the

health care has no routine preventive care or maintaining files with the child's medical histories, and the vast majority of these children are not enrolled in the education system.

An unaccompanied child loses his/her home, possessions, parents-siblings, relatives and friends as soon as he/she arrives in a new country. Research determines that such losses, grievances, and associated feelings of depression can have both short-term and long-term consequences. Athey and Ahearn (1991) note that "neurosis, depression, academic and social impairment, and delinquency have all been found to be intermediate outcomes of bereavement, while some studies have found adult mental illness to be related to childhood bereavement" (p. 7). Much of the literature concerns the legal status of unaccompanied children, which skeptically excludes how cognitive and emotional functioning is hampered because of stepping into an unknown place alone. "The newcomer children and adolescents in the United States experience a variety of cognitive and emotional changes through the absence of their familiar language, culture, and community" (Anisef & Kilbride, 2003, p. 17). Denov and Bryan (2010) stress the experience of isolation and discrimination along with many other resettlement challenges. One of the female participants in their research reflects on her isolation and loneliness: "I just sit at home, because I don't have any friends. I don't know how to make friends. I don't go out. I don't trust anybody. I don't get close to people" (Denov & Bryan, 2010, p. 72). A discriminatory attitude with negative stereotyping behavior by social workers, judges and police officers are also frustrating and painful to the minors after their arrival in Canada.

A fair number of studies describe the life situation of unaccompanied minors who live in Europe with good examples and their best interests and determination. However, from the Canadian perspective, little is known about the suggestions to ameliorate the quality of life of an unaccompanied minor. Kanics and Hernandez (2010) suggest, while focusing on identification

and securitization of a durable solution for these children, recognize that it “may include family reunification in the host country or abroad, voluntary assisted repatriation to the country of origin, the granting of long-term residency in the host country or resettlement to a third country” (p. 15). These ideas acknowledge the UNCRC (1989) “as children temporarily or permanently deprived of their family environment, separated children are entitled to special protection and assistance provided by the state” (article 20). This article reminds us of the complex issues surrounding the safety and welfare of unaccompanied minors. Yaqub’s (2010) argument on protection strategies to aim at safer migration reflects that this strategy “goes beyond income issues and includes: the development and implementation of legislation, policies and regulations to protect families’ access to resources and employment, the provision of support for families in their child-care role and responsibilities” (p. 168). With a view to strengthening protection systems for this vulnerable group, a Senate Standing Committee study on Human Rights in 2007 recommended that “Canada improve family reunification and the identification and protection of potentially separated children at border” (Elgersma, 2007). This recommendation raises a question: does Canada have the necessary policies to reintegrate these youth in their country of origin or to ensure appropriate settlement arrangement in Canada? The next section illustrates the role of policy and legislative aspects in dealing with unaccompanied minors in Canada.

#### **2.4 Policies and legislative changes: Sometimes work, sometimes fail**

Article 12 (1) and (2) of the UNCRC emphasizes the need to hear children’s opinions according to their age and maturity “in all matters affecting the child”. In Canada, as in many other countries in the world, almost every major policy does affect the child either immediately or in the long run. Referring to the gradual decrease in government budgets, specifically in health, education, and social assistance caused by the shocking outcomes of neo-liberal policies,



Stasiulis (2002) elegantly argues that “public policies now appear to affect children in a particularly harsh manner” (p. 515). Policies ignore children instead of encouraging their meaningful participation in the Canadian community. Stasiulis (2002) also states that “policies regarding provisions and facilities for children tend to be designed in the absence of input from the children for whom they are designed” (p. 519). The common practice of overlooking the interests of children is also echoed in Bhabha’s (2011) study as she evaluates that despite having good intentions and commitment to migrant children, states have been “incompetent, unperceptive, unprepared” (p. 19). Bhabha (2011) also points out the contradictory attitude of the state as she argues that the state legislates children’s rights to have education and health service irrespective of their legal status; at the same time it perplexes the access to services, “demanding documents, proof of residence, and social ties” (p.22). Interestingly, not much research has addressed this contradictory behavior of the state. However, Stasiulis (2002) concludes that through providing restricted political space to the youths, Canadian decision-makers “have revealed their apprehension about youth in policy-making roles, which has been further hindered by the current anti-democratic cast of neo-liberal governance” (p. 532).

Kanics (2011) advocates for empowering undocumented children, which, I would argue, applies to unaccompanied minors as well. She maintains that their empowerment “requires strengthening the relevant legal framework, implementing it more effectively, and addressing prevailing attitudes and lack of awareness” (p. 131). Obviously, this lack of awareness plays an important role in establishing a culture of disbelief about the arrival of unaccompanied minors in Canada, which was discussed earlier. A question emerges about how the legal framework allows service providers to address and support the cognitive and emotional changes that these children experience.

Canadian policies and programs relating to unaccompanied and separated refugee children are administered according to the 2002 Immigration and Refugee Protection Act, the Canadian Constitution, the Charter of Rights and Freedom, the Privacy Act and other domestic legislations where applicable (Wouk et al., 2006). In accordance with humanitarian tradition and international obligations, “Canada is committed to ensuring that people are not returned to a country where they would be at risk” (Wouk et al., 2006, p. 126). Scholars (Wouk et al., 2006) claim that Canada may be receiving fewer unaccompanied minors compared to other countries. Based on a thorough review of the literature, I argue that the figures may appear to be ‘less’ than they actually are because procedures for collecting and maintaining data are not in place in Canada. In addition, as previously discussed about the lack of an appropriate mechanism for the determination of age, there is no national policy in Canada regarding procedures to be followed to identify the child’s age in a dignified way from a human rights perspective (Grover, 2007). Furthermore, there is a lack of agreement between the CIC and all provincial child welfare agencies to provide child welfare services to a newly arrived unaccompanied child. When this is the situation, Grover (2007) writes that very few of the “refugee claimant reviews are successful for child applicants” (p. 353). The only option for the unsuccessful applicant is to apply to the minister or to the courts for approving the refugee status and this is a crucial moment when the child is in need of assistance from an advocate, a social worker or a counselor. However, “deportation of an unaccompanied minor from Canada is a method of last resort, but such deportations do occur” (Grover, 2007, p. 354).

Not enough studies identify the areas of concern that policy-makers need to consider before the deportation takes place. For example, some unaccompanied children may be vulnerable to threat and violence and “they lived in countries where terrorism and death became

the norm” (Monchy, 1991, p. 164). As such, the decision of deporting the child in that situation would double his/her vulnerability. Dominelli (2010) gives a factual example: “those returned to Fujian province by the Canadian authorities for attempting to escape China in 2003 were sent to administrative detention in a labor camp and ordered to pay a fine for not having obtained a permit to leave the country” (p. 97). This does not necessarily mean that policies should only promote the child’s resettlement in the hosting country, rather policies need to analyze all the positive aspects and the challenges that the unaccompanied child may face in both countries. Clearly, as detention is against international standards, it is not acceptable if the child is in detention in his/her country of origin or in the hosting country. Yet detention practices in several provinces in Canada are not rare and this issue was also an important point of discussion at the roundtable conference on refugee children in 2001. Participants in that conference agreed that “all alternatives should be explored before a child is detained” (Kumin & Chaikel, 2002, p. 76).

In fact, “policy regarding unaccompanied minors is difficult even for those who work in the system” (Mapp, 2011, p. 101). Referring to the UK’s example where some professionals routinely inform service providers about policy, Mapp (2011) points out that “this was made even more difficult by frequent policy changes” (p. 101). There are increased chances for administrative errors because of age, sex and language differences which may complicate procedure. However, as the entire system is a set of complex procedures, it is important to encourage further research to examine the vulnerabilities and resources of unaccompanied minors “in order to contribute more efficient policies of social intervention” (Mai, 2010, p. 85).

## **2.5 Globalization, Neo-liberalism and the unaccompanied child**

Global migration processes for adults and children. Giddens’s idea on globalization is that it “is a central driving force behind the rapid social, political and economic changes that are

reshaping modern societies and rest of the world” (Jones, 2010, p. 9). Giddens (2002) indicates the influences of globalization on technology, poverty, politics, economy, culture and many more aspects of our life including lives of children and youth wherever they are in the world. This argument is validated by Chin (2003) as she notes that “states make use of globalized notions of childhood for their own purposes, and as children themselves circulate globally in increasing numbers, children and childhood can be found at the center, rather than the margins, of globalization itself” (p. 310). Today, nobody bothers with the paradox of globalization: it is something we must do to be happy or it is the cause of our unhappiness (Bauman, 1998). In this paradox, we keep on dreaming for new jobs, yet hardly realize that many old industries are closed down. We move or are compelled to move from one part of the world to another with the hope of a better life and prosperity, soon we discover that many of us do not really fit the new system. Amid this paradoxical situation, ‘survival of the fittest’ formula keeps people continue their race sometimes in the privileged position, sometimes underprivileged.

The gravity of globalization has been governing our lives from childhood to adulthood, wherever it is in the world. Along with “visible cultural expressions of globalization, Coca-Cola, McDonald’s, CNN” (Giddens, 2000, p. 33), there are many invisible expressions propelled by globalization that influence children and childhood a lot. In fact, these invisible expressions such as, better income opportunities, better education, better lifestyles, safety and security etc. usually work as allurements or pull factors of migration of youths and adults. Drawing attention to the growing number of unaccompanied children who show up at the US border and around the world, Chin (2003) shows that both minors and immigration officials face difficulties in categorizing children as “children”. Thus, Chin (2003) argues that, “globalization is provoking a growing transgression of childhood” (p. 323). However, Giddens (2002), in adopting a more

optimistic view, focuses on taming globalization instead of stopping it. Likewise, migration of unaccompanied children cannot be stopped, and therefore, developing a better strategy can only help to better deal with these children.

Globalization, which is closely related to neo-liberalism, provides little space to think about the best interests of the world's vulnerable population, and this vulnerable population includes unaccompanied minors too. As a revived form of liberalism, Harvey (2005) writes that neo-liberalism "opens up possibilities for developmental states to enhance their position in international competition by developing new structures of state interventions" (p. 72). Do these interventions and competitions benefit people or create tensions? From a child rights perspective, this question could be food for thought. Harvey (2005) continues, "it creates conditions for class formation, and as that class power strengthens so the tendency arises for that class to seek to liberate itself from reliance upon state power and to reorient state power along neo-liberal lines" (p. 72). Therefore, theoretically neo-liberal policies create personal opportunities, they tend to favor governance by elites which eventually shows less care and little attention to vulnerable people's problems. "In recent years, a number of social work scholars have engaged in sustained exploration of the linkage between globalization and neoliberalism and the consequences for vulnerable groups" (Finn, Nybell & Shook, 2009, p. 247). Stasiulis (2002) reflects that "the hegemony of neo-liberalism has meant that the government's framing of poverty as child poverty has focused more on family failure and parental irresponsibility and deflected attention away from the multiple and intersecting causes of poverty that have deepened with economic liberalization" (p. 532).

Due to the absence of a database to accurately identify the different subgroups of unaccompanied children, Wouk et al. (2006) suggest the CIC "...institutionalize a way of

improving data entry quality which will allow the distinction of different subgroups of minor refugees” (p. 135). Child protection strategies in Canada can neither promote nor prevent the arrival of unaccompanied minors. Along with handling the root causes of their risks in migrating alone, policies as well as the child protection strategy should provide a safety net for its negative symptoms as suggested by Yaqub (2010).

I sum up this section by referring to a documentary, *Everybody's Children*, on two unaccompanied minors. This documentary portrays a year in the life of two teenagers, Joyce (17 years) and Sallieu (16 years) who arrived in Ontario alone with the hope of a new life. Sallieu witnessed the murder of his mother as a young boy in war-torn Sierra Leone and Joyce left the Democratic Republic of Congo to avoid being forced into prostitution by her family. The film shows that there is no government system in place in Ontario for the post-arrival care of these unaccompanied minors. However, with the guidance and support from a handful of people, they finally were able to start their new lives in Toronto. I see a link between their arrival in Canada and globalization as Canada has a worldwide reputation of immigration and this reputation is a vital part of globalization. According to Giddens, “globalization represents both an opportunity and a threat” (Jones, 2010) and I would like to argue that globalization works more as an opportunity than a threat in case of Joyce and Sallieu.

The literature shows that many unaccompanied minors find life in Canada “a relatively solitary one” while they need “to establish meaningful relationships in Canada” (Denov & Bryan, 2010, p. 73). Considering their stressful and isolated life experiences, the complex procedures of legal matters, and psychological and emotional suffering, social workers can offer support and guidance to these children who find themselves alone in a strange land. Emphasizing the role of social workers, Denov & Bryan (2010) conclude that social workers “must advocate

for these unaccompanied children, promoting empowerment and the development of supportive services and programs” (p. 74). With a view to upholding the role of social work, Dominelli (2010) asserts that “the commitment of social work to services based on a combination of citizenship, human rights and social justice is fairly recent, although elements of this have been around for the past fifty years” (p. 100). Therefore, provision of services to these children through effective social work could be a crucial component in policies and strategies that the Canadian government needs to consider.

This paper reviewed the literature available on the life situation of unaccompanied minors along with inconsistencies in the policies that show how Canada is concerned in developing strategies to ensure the rights of unaccompanied minors in this country. Now I move onto the theoretical framework and attempt to present how the situation of unaccompanied minors fit with specific theories.

**Chapter 3: Theoretical framework**

The objective of using a theoretical framework is to stimulate thinking about theories and their relationships to the research project. This study employs theoretical framework derived from interrelated concepts and existing theories. “A theoretical framework has the ability to (1) focus a study, (2) reveal and conceal meaning and understanding, (3) situate the research in a scholarly conversation and provide a vernacular and (4) reveal its strengths and weaknesses” (Anfara & Mertz, 2006, p. 192). I will consider each of these areas while using different theoretical perspectives. Anfara and Mertz (2006) claim that “it influences every choice we make and guides the researcher’s thinking about the phenomenon under investigation” (p. 193); meaning a theoretical standpoint frames the happenings with the researcher and his/her participants. I am aware of the role of theory that determines and defines the focus and goal of the research problem, yet I would partly disagree with the idea that ‘theory guides researcher’s thinking’. I think it is also important to look at beyond the confines of disciplinary focus that might thoughtfully be used to study phenomena in interesting and distinctive ways. Therefore, I suggest that a researcher, keeping one (or more than one) particular theory in mind, needs to let the nature of data choose the theoretical framework for the study. This is helpful to the researcher to be able to think beyond subjectivity and analyze the phenomenon from an impartial position. For instance, I had a theoretical perspective in mind while framing research questions for this study, but later based on the data I realized that there is scope to interrelate this study with another perspective as well. However, it is the responsibility of the researcher to ensure that the methodology, the data and the analysis are consistent with the theoretical perspective.

In terms of qualitative studies, I would argue that the relationship between theory and research is complicated because of the co-existence of imagination and observation at a time. We cannot really get away from our imagination as we know that dealing with imagination is one of



the important tasks of the right hemisphere of human brain. Many a time imagination and observation are at play, therefore, sometimes we see what we actually do not see and sometimes we do not see what we actually see. However, our observations help us to link the observed phenomenon with the theoretical perspective. A focused researcher who is determined to make a balance between imagination and observation is able to reduce this complexity. As already mentioned, the nature of data sometimes determines a theoretical framework, especially when the work is interdisciplinary in nature and the theoretical framework involves several people's perspective as in the case of my study. At the same time, it needs to be noted that "the study should not be expected to uncover the complete narrative" about how research participants, in this case youth interviewees of my study, recall their experiences (Netland, 2013, p. 85). Based on the overall scenario, the perspectives that I take for my study are the postcolonial theory and the post structuralism theory with a focus on governmentality. I also employ a conceptual framework of living rights.

To give an overview of postcolonial theory, I would say it is to understand how this theory considers 'culture' as a strategy of survival. The two dimensions of postcolonialism, e.g. transnational and translational, explain the process of cultural transformation that is actually linked to the process of migration. The major theorists of postcolonialism are Edward Said, Gayatri Spivak, Homi K Bhaba, Stuart Hall, Sara Suleri and Frantz Fanon. However, I would mainly employ Bhaba's perspective who introduced the concept of *hybridity* to capture the sense that many writers have of belonged to two cultures. I will also focus partly on Said's ideas of Orientalism. According to Bhabha (1994) the postcolonial perspective "insists that cultural and political identities are constructed through a process of alterity" (p. 251) and this process is linked to the notion of 'third space' that shows "the dynamics of identity negotiation in minority

community” (Nieuwenhuys, 2013, p.3). Bhabha (1994) notes that the sense of the historical identity of culture is challenged by the intervention of the third space which is strongly related to the life situation, which in the context of this research is of an unaccompanied minor in a newly arrived place, i.e., in Canada, where his current legal status as a right holder citizen and past identity put him into an ambivalent situation.

Secondly, in post structuralist perspective, governmentality is, in its most straight forward sense, the way governments work to produce the citizen best suited to fulfill the policies and practices of the government. Foucault used the term the ‘art of government’ to refer to governmentality. For instance, the way an unaccompanied minor receives services from agencies, which include the CBSA and transitional homes, represents the pattern of governmentality of the Canadian government towards unaccompanied minors. From the moment of their arrival at the border until the refugee claim process begins, the situation of these young people best reflects how Foucault’s concept of governmentality is exercised by the government. The UNCRC does not specifically suggest how to fulfill the rights of an unaccompanied minor until his/her status is recognized by the state, similarly in that particular situation the governmentality of the Canadian government is to treat unaccompanied minors differently in comparison to the way it acts to ensure the best interest of the child born in Canada. Such practices of governmentality raise conflict with the concept of an equal treatment to all children.

Finally, in order to provide further theoretical support, I then focus on a conceptual framework of living rights of children involving three major themes, e.g. living rights, translations and social justice. In this approach, there is an interrelated triadic concept of actor, agency and structure, and all of which are linked to power. Stammers (2013) suggests that

“agency is understood as a potential attribute of both actors and structures and conceptualized as synonymous with power” (Stammers, 2013, p. 275).

### **3.1 Postcolonialism theory**

Postcolonialism examines the power relations that made the colonial system possible where ethnocentrism plays a strong role. Said (1995) defines ethnocentrism as “the belief that one’s own nation and culture are superior to those of others” (as cited in Brock, 2012, p. 29), and thus we understand how power relation is connected to orientalism. Post-colonialists argue that in order to reinforce and legitimize their own positions of power, western countries created a notion of discourses, i.e., Oriental-Occidental, to gain cultural, sociological, ideological and political strength and identity (Said, 1995). While examining the configuration of power, Said (1995) observes that “the relationship between Occident and Orient is a relationship of power, of domination, of varying degrees, of a complex hegemony” (p. 89). Said (1995) claims that Orientalism is “a sign of European-Atlantic power over the Orient” (p. 89) and is more than just a myth, rather it was developed by the West through not only marketization of products but also cultural prevalence around the word, even in non-colonized countries, that allures both adults and young people to move to the West, i.e., Canada. Canadian immigration and refugee protection program has a worldwide popularity. The government of Canada’s website, while describing Canada’s role in refugee protection, claims that “Canada is recognized around the world for its leadership in offering safe haven to people who need refugee protection” (Citizenship and Immigration Canada Website, 2013). Most people believe that Canada has a better protection mechanism and it is a superior and more desirable place to go to. This idea encapsulates the travel of unaccompanied minors to Canada. Although I am aware of the situation in their home countries for which they were sent to Canada. The fact is that in most

cases children themselves do not take this decision, rather it is their parents or adult guardians who decide to send them to Canada, partly because of the undesirable situation there and partly Canada's worldwide reputation of immigration program.

Unaccompanied minors' arrival in Canada is linked to Bhabha's idea of 'hybridization' and 'third space'. Hybridity could occur either through a 'conscious movement' or a 'forced movement'. For Bhabha (1991), *hybridity* occurs in postcolonial societies both: as a result of conscious movement of cultural suppression, as when the colonial power invades to consolidate political and economic control, or when settler-invaders dispose indigenous peoples and force them to "assimilate" to new social patterns. It may also occur in later periods when patterns of immigration from metropolitan societies and from other imperial areas of influence continue to produce complex cultural palimpsests with the post-colonial world. On the other hand, neither the original homeland of unaccompanied minors nor Canada gives full guarantee or enunciates the rights of these children (until a positive decision comes out of a legal hearing). Therefore, Canada, as long as these children's status is legally recognized, turns into a third space for them, where a tension is created between an unaccompanied minor's past culture and global culture because of unsynchronized patterns of identity.

In postcolonial theory, Bhabha (1995) highlights the issue of culture. According to Bhabha's (1995) view, cultural difference and cultural diversity is not the same thing because cultural diversity is an "epistemological object" while cultural difference is a recognition of cultural customs. Bhabha (1995) explains "If cultural diversity is a category of comparative ethics, aesthetics, or ethnology, cultural difference is a process of signification through which statements *of* culture or *on* culture differentiate, discriminate, and authorize the production of fields of force, reference, applicability, and capacity" (p. 206). Because of the distinction

between these two concepts, Bhabha (1988) argues that cultural difference attempts to dominate cultural diversity and focuses on the “problem of the ambivalence of cultural authority” (p. 19) in case of an unaccompanied minor.

Since postcolonialism reveals power relations, it focuses on subalterns that are treated as the colonized. Now the question comes: are unaccompanied minors subalterns? By subaltern, we mean social groups that are outside of a society’s formalized structure for political representation, the means which help people to have a voice in the society. Using Gramsci’s understanding, Spivak (2012) suggests that “subaltern came to mean persons and groups cut off from upward, and in a sense, outward social mobility” (p. 325). It also denotes that they are cut off from cultural lines as well. Spivak (2012) thinks that the subaltern is no longer cut off from the lines of access because of the blessings of some agencies, for instance “the World Trade Organization” (p. 326). Here I would take a critical stance because the role of culture and agency is not the same for an adult and an unaccompanied minor. Hence, organizations such as the World Trade Organization or the World Bank do not always bring blessings for a child. For example, regardless of a huge number of acts, laws, policies as part of national and international legal instruments including the UNCRC, children’s voices are hardly heard. We talk about rights and protection of children which actually reflect adults’ thought and perspective and that eventually perpetuate dominated and subordinated position of children. As childhood emerges from an unequal situation, postcolonial theory urges “to question compartmentalization into different fields of intervention- psychological, pediatric, pedagogical” (Nieuwenhuys, 2013, p. 6). Thus it would be helpful to learn how children, unaccompanied minors in this case, are resilient, creative and smart to manage risks and challenges.

Bhabha's concepts of 'hybridity' and 'third space' apply to my study because identities and cultural transformation are major areas of concern with an unaccompanied minor. One might look at hybridization as blending of once separated objects or living beings. Bhabha conceptualizes this term differently as he writes "it is used to problematize the naturalized and ahistorical conceptualization of nationhood in general and of national culture in particular" (Frenkel, 2008, p. 927). According to Frenkel (2008), what Bhabha shows is that "individual characteristics are not limited to their ethnic heritage but are subject to change and modification through experiences" (p. 928). This idea indicates that although people, in this case unaccompanied minors, are living in a territory which is different to them, the culture of this territory is learned and these individuals hold their original culture, and thus hybrid cultures are constructed among unaccompanied minors and youth. For instance, despite realizing the cultural difference between a Middle Eastern country and Canada, an unaccompanied minor from a Middle Eastern country attempts to adapt himself/herself with the cultural aspects of Canada. Such adaptation process is facilitated by the service providers as they arrange orientation sessions, workshops, get together programs etc. for unaccompanied minors to be familiar with the new atmosphere. Through participating in these events a minor also learns other unaccompanied minors' culture. Thus hybridization takes place with his/her original Middle Eastern culture as his/her ethnic heritages are either changed or influenced by new cultural patterns.

Bhabha's third space is a place of negotiation for the subaltern, marginalized and the minority. In the third space, these people bear hybrid identity, yet the culture of the third space does not refute the existence of their original culture as it is non-synchronous temporality of global and national cultures. Bhabha (1994) claims that the intervention of third space

challenges the sense of “historical identity of culture as a homogenizing, unifying force, authenticated by the originary past, kept alive in the national tradition of people” (p.54). Here I would relate the cases of my research participants who accepted the new culture despite its different pattern, yet they did not disown their own culture and identity (chapter 7). This is how they use resilience and intelligence to cope with their new environment. Therefore, if we want to understand how they create culture, it is important to see the world from children’s subject position because the child is a social ‘being’, rather than a being that is in the process of becoming. Although children’s everyday experiences are often overlooked, children are capable of maintaining a balance between their traditional culture of their homeland and the culture in a new place. They are resilient as well as adept in embracing new experiences keeping their own identity within themselves.

### **3.2 Post-structuralism: Governmentality**

Following postcolonial theory I employ a poststructuralist approach to frame my study. Among major poststructuralist theorists, I find this study fits best Foucault’s ‘governmentality’. A post structuralism lens perceives that governmentality refers to governing “a house-hold, souls, children, a province, a convent, a religious order, a family” (Foucault, 1991, p. 90). That means it also addresses signified problems of self-control, guidance for the family and for children, management of the house hold, directing the soul and these ideas give a sense that an unaccompanied minor’s wellbeing is, especially just after their arrival, guided and determined by the nature of governmentality in Canada. As we can see that practices of government are multifarious, the process requires different actors and agencies to implement procedures set by the government.

I would like to draw from Foucault's (1991) metaphor which he names the ship. He describes that governing a ship includes a set of activities of which are equally vital, for instance, taking charge of the sailors, boat, cargo and also reckoning with winds, rocks and storms, and looking after the activity of establishing a relationship between the sailors and finally bringing everything safely to the port. For successful accomplishment of these complex activities, Foucault found that the concept of governmentality had three major components: "first, to be governed; second, to govern others; and third, to govern the self" (Brock, 2012, p. 23). Interestingly, Brock (2012) notes that the power's effect is not a concern to us because we accept power, consciously or subconsciously, and adopt its manifestation and thus it is recreated "in relation to ourselves and to others" (p. 23). For instance, in order to get on the bus in Canada people wait at the bus stop standing in a queue in an organized manner, when the bus comes they get on it one by one, pay the fare or swipe their bus card/pass and take a seat. This is how the government has produced a system which can be called the rule of law, and people reproduce it by embracing it and following it. Similarly, governing an unaccompanied minor in a transitional home or any other form of care presumably means providing basic services and setting his priorities from an adult's perspectives (government's perspective). However, there are some other activities to reckon with all possible events that are linked to the child's rights and may need to deal with, for example, establishing networks with other agencies to draw necessary supports for the child as he/she is accompanied by no legal guardian in Canada. Foucault's art of government is about plurality of the forms of government which is distinct from Machiavellian form of singularity. The three fundamental types of Foucauldian plurality of government are: the art of self-government (connected with morality), the art of properly governing a family (connected with economy) and the science of ruling the state (connected with politics) although I



find a strong connection among all three forms because a person who wishes to govern the family and the state well, “must first learn how to govern himself” (Foucault, 1991, p. 91). However, these three forms are also connected with the pattern of services designed for an unaccompanied minor. A minor arrives in Canada unaccompanied, the first encounter takes place with the CBSA who assesses and determines his/her eligibility of being categorized as ‘an unaccompanied minor’. Then the child is referred to the FACS or any of the transitional homes based on his/her age and maturity. All these steps follow certain types of regulations set by the government where a staff’s morality, motivation, economic strategy and political philosophy of the government work invisibly but strongly. Government assigns various actors to ensure that things are disposed in the right manner (Foucault, 1991). In order to do this, government employs laws in the name of tactics. For Foucault (1991), government arranges “things in such a way that, through a certain number of means, such and such ends may be achieved” (p. 95). However, this achievement does not always reflect unaccompanied minor’s best interest. The recent change in the immigration law in Canada indicates the pattern of governmentality of the Canadian government. This change in the immigration law asks submission of the Basis of Claim (BOC) of a refugee claimant be made within 15 days after his or her arrival. Earlier, refugee claimants were given a period of 28 days for submission of their Personal Information Form (PIF). This change suggests that such law focuses mostly on the cases of adult refugee claimants while the issue of a traumatized unaccompanied minor is not overlooked. Because a traumatized minor may require extra time to settle down upon arrival and it may not be very easy for a transitional home to gain trust of that minor. Therefore, allowing 15 days to process the Basis of Claim of a traumatized unaccompanied minor indicates that the governmentality of the Canadian government does not absolutely consider such a complex situation.

Also, if we take the example of how an unaccompanied minor goes through this process, we would see from the assessment at the beginning until the enrollment to a school the minor has to follow several steps where his/her eligibility is checked and all information is documented technically which apparently seem just a part of the process. This is how laws are not exposed, instead tactics are applied to have control over the individual and over the system.

Finally, the lack of a unique definition of an unaccompanied minor raises a question about the governmentality in the Canadian government. The ideas and data presented in this literature review section show that Canada is the first country in the world that developed special guidelines in 1996 for dealing with unaccompanied minors. Despite being a pioneer in the world in developing such a guideline, the government of Canada is yet to develop a unique definition of who an unaccompanied minor is in Canada.

### **3.3 Conceptual framework of children's living rights, social justice and translations**

In this section of the theoretical frameworks, I reflect on Hanson and Nieuwenhuys (2013) theory of living rights, social justice and translations which strongly reinforce to frame my research along with postcolonialism and governmentality. While explaining these themes, I also focus on how a child and child rights are defined. These concepts are closely linked to every step of the journey of an unaccompanied minor in Canada.

In order to protect children from harm and ensure their best interests, a significant number of laws and policies have been formulated nationally and internationally. As part of evolution of child welfare services, a Discussion Paper on Child Welfare in Ontario (Ministry of Community and Social Services, 1979) shows that major social and political developments which shaped child welfare structures and relationships over the last century were The Orphans Act 1799, The Apprentices and Minors Act 1851, The Municipal Act

1849, The Industrial Schools Act 1874, The Children's Protection Act, 1888, The Children's Protection Act 1893, The Child Welfare Act 1954, The Child Welfare Act 1965, The Child Welfare Act 1978, The Children and Family Services Act, 1990. The list of international legal documents on child rights is a long list too that may begin with the Child Rights Declaration of the Save the Children International Union (1923) and ends with the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (2000) and the United Nations Convention on the Rights of the Child (the UNCRC, 1989) is the globally recognized legal document (except three countries<sup>1</sup>) in this huge list. Today most rights based approaches use the UNCRC (1989) as a framework. However, living rights of a child cannot be confined in the documents of national and international agencies only because it is something beyond the rights of the children. Hanson and Nieuwenhuys' (2013) theory of living rights "challenges the idea that children's rights are exclusively those defined by the international institutions or states" (p. 6). As mentioned at the beginning of this chapter, it takes time to recognize the legal status of a newly arrived unaccompanied minor in Canada and here is the urgency to think about his/her living rights- can these rights be denied until his/her status is legally declared by the court? How does a shelter home and/or the government fulfill those rights which are yet to be officially declared? We are aware of the fact that these questions do not emerge in case of a child born in Canada.

It is important to note that children's living rights are the results of children's notions as they are both 'beings' and 'becomings', this makes us realize the importance of considering children's expression of rights that is based on their own experience. Hanson and Nieuwenhuys (2013) argue that children's rights need to be looked at "as a living practice shaped by children's

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<sup>1</sup> The USA, Somalia and South Sudan are three member countries in the United Nations who have not ratified the UNCRC

everyday concerns” (p. 8). From a morality perspective, Clement (2008) notes that the source of human rights lies not in the law but in human morality. Abebe (2013) explains more specifically that “it is vital to bring the perspectives and daily realities of marginal children into mainstream debates and concerns of development” (p.89). For instance, severely traumatized children do not even want to talk to other people at transitional homes. A home could follow two approaches to handle this situation: to treat these traumatized children the same way as other children are treated, or to allow them as much time and space as these traumatized children require. Certainly, the latter option would certainly work better due to the situation of these children. Here we might notice that these traumatized children do not demand special attention or special service, it is simply the situation and expression of those children that the service providers need to take into consideration. International or national laws and treaties on child rights address the necessity of allowing children to exercise their rights which might be part of legal aspects, yet there are some gray areas when service providers need to play their role more carefully to treat the traumatized unaccompanied minors. Dominant ways of thinking about living rights are offered by two ideas ‘abstract rights’ and ‘legal right’ (Stammers, 2013). According to Stammers (2013), philosophical and legal approaches are “embedded in an abstracted realm of ideas” (p. 276), therefore, Stammers (2013) suggests that “we have to be careful not to fall into a binary polarity of ideas and practices.” (p. 277). What we need is to strike a balance: letting children express their concerns and offering support as well as guidance to fulfill their best interest.

An unaccompanied minor depends on transitional homes and legal procedures of the new place. His/her dependency turns him/her into a subordinate and an isolated one who considers those whom he depends on as superior. In this situation, “social norms define the expectations of subordinates and their evaluations of the superior’s demands” (Blau, 2002, p. 101). Recent

legislative change in the Canadian immigration system which I would explain in Legislative aspects section is an instance of how power dynamics work for unaccompanied minors. This new law allows a short period of time to prepare documents on behalf of an unaccompanied minor to place before the court. I understand that the objective of this new law is to quicken the refugee claimant process in Canada. However, this is even more difficult when a newcomer child is traumatized and/or needs little longer to get used to adjusting themselves in a new environment. The legislation is more powerful than an individual and consequently an unaccompanied minor has very little to do with that except going along with the process because the minor knows that he/she is alone and has to rely on the procedure. Blau (2002) shows that “the weakness of the isolated subordinate limits the significance of his approval or disapproval of the superior” (p. 101). Thus power dynamics work with rights of an unaccompanied minor. Such scenario raises a striking issue: how does human right work then? While illustrating the absence of a social theory of rights, Baxi (2000) presents several images of rights as outlined in Brown (1995) “rights as boundary, and as access; rights as markers of power, and as masking lack; rights as claims and protection; rights as organization and social space...” (p. 34). This point leads to the following theme that is the concept of translations which “seeks to capture the tensions at work between global and local formulations of children’s rights when actors taking part in the exercise of power” (Hanson & Nieuwenhuys, 2013, p. 21).

Since translation is more a circular process than just a top-down or bottom-up activity (Hanson & Nieuwenhuys, 2013), it involves our understanding of the definition of child and child rights. In the literature review chapter, I discussed diversities in provincial law in determining age of a child in Canada. However in spite of setting age threshold for unaccompanied minors, top-down form of power relations are exercised by the agencies in some

cases. The way a child with parents or legal guardians receives treatment at the border, an unaccompanied minor does not have the same kind of treatment. Because the typical notion about childhood and/or children is that they are vulnerable and someone has to exercise power over them to protect them. It indicates that an understanding of the concept of a child and child rights has been developed based on power relations of actors involved in the process. Stammers (2003) argues that considering asymmetries of power in the world, the relationship between ‘top-down’ and ‘bottom-up’ forms of translation needs unpacking in order to analyze the tensions in the relationship. In order to emphasize the translation of children’s experiences, it is important to consider the context. An unaccompanied minor may not view things the way adults do. However, because of our typical notion of childhood and because of focusing mostly on top-down relationships, we often treat all children in the same way and do not consider their everyday and unique experiences. Offering support to an unaccompanied minor and helping him/her to raise his/her voice can facilitate reducing the tensions in the relationship. Minors’ activities may not be always viewed ‘good’ in an adult’s eye, yet adults need to consider a minor’s decision making capacity that challenges the dominant conceptions regarding children’s vulnerability, dependency and subordination.

While focusing on developing international legal environment on child rights, Goonesekere (1998) notes that the UNCRC “confers (a) rights of survival and development, (b) protection from abuse and exploitation, and (c) participation of rights” (p. 28). The third one refers that children have a right to participate in matters that concern them. I agree with Goonesekere’s (1998) argument that “human rights have been perceived up to now as a concept that has relevance for an adult world” (p. 29). This perception is a strong factor that shows how children’s participation and the process of empowerment are hindered. In most cases, “children’s

participation often appears tokenistic” (Stammers, 2013, p. 284), but this tokenistic participation does not always represent all children in general and this is why the concept of ‘translation’ needs to take into consideration. Every child has his/her own way of expression regarding his/her life and situation and, therefore “translation must acknowledge difference and lend some recognition to children’s representation of their lives and situation” (Hanson & Nieuwenhuys, 2013 p. 20). I agree with Stammers (2013) argument on the necessity of unpacking “key dynamic relationship between top-down and bottom-up forms of translation” (Stammers, 2013, p. 280). However, in order to consider minors as a *being* and *becoming*, it is important to allow an unaccompanied minor to share or express his/her observation and experience about social or legal matters. Here it is noticeable that, the way an adult immigrant expresses his/her interest and opinion during a refugee claimant process, the case is not the same for an unaccompanied minor. There is very limited interaction between agencies and an unaccompanied minor that gives little space for his/her empowerment. It is because issues specifically related to children and children’s rights are translated by the adults under ‘adultism’. We need to remember that the translation of children’s rights into practice is never absolutely “either a top-down or a bottom-up activity” (Hanson & Nieuwenhuys, 2013, p. 19) rather it offers children a room of negotiation (Hanson & Nieuwenhuys, 2013). Such negotiations may reflect their thoughtfulness and help them consider both sides of a decision. “A dynamic view of translation comes close to a foundational idea of postcolonialism: that the one-way process by which translation is customarily conceived can be rethought in terms of cultural interaction and as a space of re-empowerment” (Stammers, 2013, p. 280). Children’s disenfranchisement by the translation of rights is also linked to the third theme that is social justice.

Apparently social justice looks like an innocent term that simply means exercising justice within a society. Stammers (2013) coins it as a 'slippery term' because "there is a wide divergence of opinion on how to try to achieve it" (p. 285). In terms of ensuring social justice in the society, many agencies around the world have been advocating for children's best interest which is one of the leading principles of the UNCRC. The idea of 'best interest', which is very much linked to children's participation rights, is sometimes translated in a way where children's best interests are ignored. Children themselves may set their priorities which can be expressed through their participation. Hence, it is vital to acknowledge their experiences and notions in prioritizing their interests and this would help us "make a conceptual link between the development of citizenship competences the evolving capacities of children through the notion of becoming" (Stammers, 2013, p. 290).

Social justice for children includes a wide range of subjects to ensure fairness to them. Upon arrival in Canada it is not easy for an unaccompanied minor to have access to all necessary services, such as learning driving. Hence, it is the responsibility of the service providers to arrange driving lesson for the minor/youth under an expert instructor with a minimum amount of fee and a discount on insurance for his/her car. Having driving skill is an important factor for a youth for his/her independent living in Canadian society, and it is even more important for an unaccompanied youth as s/he has no legal guardian in this country to help him/her out. Thus an unaccompanied minor can be treated with fairness. In order for children to be citizens and set their best interest, they require support from adults, but this does not mean that they would be perceived as 'half-citizen' because of their dependency on adults and because they need protection. Tuukkanen, Kankaanranta & Wilska, (2013), citing Lister (2007), argue that if citizenship is from a traditional viewpoint that emphasizes the rights and responsibilities of



citizens, the criteria of citizenship are not fulfilled by children (p. 132). Many of the unaccompanied minors cannot produce legal documents proving their citizenship status which is linked to determine their rights and responsibilities in Canada and this situation might raise a question if this is why they do not fulfill the criteria of being a citizen.

On the other hand, it is the case that sometimes, unaccompanied minors are handcuffed at the border if they are unable to produce legal documents, fail to satisfy the CBSA staff or are deemed suspicious. While social justice denotes ensuring fairness to unaccompanied minors, it raises a question that is it justified to put handcuff on a minor's hands. Looking through the lens of social justice, we feel the necessity of being more fair to unaccompanied minors and more respectful to their rights.

As mentioned at the beginning of this chapter, in order to study phenomena in interesting and distinctive ways, I employed three theoretical perspectives to define the focus and goal of my research problem. However, I also looked at beyond the confines of disciplinary focus to let the data determine the theoretical frameworks of my study. To sum up, the hybridization of identity and cultural transformation of unaccompanied minors in Canada clearly reflect Bhabha's postcolonialism as Bhabha focuses on the process of cultural alternation that takes place with the condition of being 'a migrant' and this is even more important when the person is an unaccompanied minor. On the other hand, my research shows how Foucault's concept of governmentality is reproduced in the rule, laws and policies of the Canadian government. The Canadian government welcomes an unaccompanied minor at the Canadian border while there are still some issues that the government needs to pay attention to ensure the well-being of an unaccompanied minor. Such issues may include having a unique definition of unaccompanied minors and having appropriate record keeping system on the number of unaccompanied minors.

The governmentality of the Canadian government can be understood better in its actions to address these issues. Finally, the third theoretical perspective that involves children's living rights, translations and social justice denotes that an unaccompanied minor's everyday concerns need to be taken into account and the adults, while translating those rights, need to consider a minor's experience in order to ensure social justice to him/her. An unaccompanied minor's experience and concerns to his/her life suggest the nature of services that he/she requires. With a view to recognizing these concerns, Hanson and Nieuwenhuys focus on coming out of the typical notion of child rights and understand a child's living rights.

**Chapter 4: Methodology**

A research study has its goal to find out new information that could contribute to the existing knowledge. One of the most important factors that plays a significant role in carrying out a research study is the choice of methodology, the scientific and systematic way of examining the problem. In social science, choosing a research methodology depends upon the nature and context of research where a researcher needs to consider the background of participants, location and timeframe allocated for the study. As a qualitative researcher, based on these elements, I chose one of the very useful methodologies for my research that is the interview method.

As my study emphasizes the perception and understanding of the participants, it employs qualitative approach to generate knowledge on the basis of participants' experiences. Yilmaz (2013) explains that "qualitative research is based on a constructivist epistemology and explores what it assumes to be a socially constructed dynamic reality through a framework which is value-laden, flexible, descriptive, holistic, and context sensitive" (p. 312). A qualitative perspective helps to understand how social experience is created and given meaning (Yilmaz, 2013). Szyjka (2012) argues that this type of research stresses on the realm of social constructivism because in this paradigm, "knowledge is subjective and is interpreted through the perspective of the viewer" (p.112). Therefore, with a view to examining such subjective interpretation, a qualitative research involves "three kinds of data collection: (a) in-depth, open-ended interviews; (b) direct observations; and (c) written documents" (Patton, 2005, p. 1633). In order to explore the reality or experience of my research participants, this study involves the first kind of data collection, i.e., in-depth interviews with open-ended questions, as "the qualitative paradigm views the relationship between the knower and the known as inextricably connected"

(Yilmaz, 2013, p. 312). Therefore, following the suggestions of Yilmaz (2013), I focused on developing a close, empathic relationship with my research participants. Such relationship is indispensable to attain the purpose of a qualitative research that includes contextualizing, understanding and interpreting a situation (Szyjka, 2012). Adopting qualitative approach into my study facilitated knowing different stories of unaccompanied minors who are from different cultural backgrounds with different experiences.

#### **4.1 Interviews**

Interviewing is one of the useful methods to explore the story of unaccompanied minors and youth as well as experience of professionals who have been involved in providing services to that particular youth group. Therefore, the method of data collection for my research was interview. The purpose of qualitative interview is “to understand themes of the daily world from the subject’s own perspective” (Tinggaard, 2009, p. 1498). I focused on what is told rather than how it is told. I used a semi-structured interview for each individual lasting thirty five to forty minutes on an average. I interviewed two different types of groups i.e., unaccompanied minors and professionals working with different organizations. Areas that I focused on while interviewing adult professionals include their professional involvement with an unaccompanied minor and youth, how service is provided from their organization/ transitional home, if there is any challenge or concern working with this group of youth, impacts of policy and legislation on services, suggestion to improve services etc. On the other hand, areas that I wanted to learn from an unaccompanied minor broadly include making decision to travel alone, things that happened around their arrival and their situation at present.

I utilized an open-ended question approach as I arrived at Coyne, Hayes & Gallagher’s (2009) point to establish “a secure and comfortable relationship” with my participants to help

them sharing their feelings (p. 419). This type of question allows participants to trust the researcher and feel more freedom in expressing their opinion, and thus it turns into a 'comfortable relationship' between the researcher and the participant. Unaccompanied minors of my study were from different countries of the world and they were brought up within their own culture. Recalling my own experience as a landed immigrant to Canada I know that it is sometimes hard to cope with a new cultural atmosphere for two reasons: first, because of the newness of it; and second, because of holding previous cultural beliefs. I would say that these two work with an unaccompanied minor too. My study focuses on unaccompanied minors and youths' experiences in Canada, especially the treatment and services they received after arrival. During the interview and also during pre-interview discussions, I emphasized making sure that my zero level knowledge about their culture and limited knowledge about their arrival to this land would not effect on the interview. This study in fact stresses on maintaining a natural atmosphere because "capturing the phenomenon involves locating and situating what is to be studied in the natural world" (Denzin, 2002, p. 354).

Before proceeding to the next part, I would like to mention that this study has two sets of data: one from the unaccompanied youth (who came to Canada as unaccompanied minors) and the other set is from the workers who provide services to those minors. For the first set, I used pseudonyms for all of my youth participants while for the second set of data, original names of the participant and the organization have been used as I obtained their oral permission to do so.

I transcribed and analyzed all interviews by myself. All interviews were in English except one. Priority was given to accommodate participants' own language. The one that was not in English was the interview of a youth from Burundi who speaks Kirundi language. The interview

took place at a transitional home i.e., Casa El Norte and the home provided me with an interpreter who translated English to Kirundi and Kirundi to English.

In total, I conducted twelve interviews with thirteen participants in order to explore my research question: How did the child welfare services provided to unaccompanied minors and youths who arrived in Ontario affect their life situation? In a qualitative research, there is no unique rule about the number of interviews that could be considered standard because the number of interviews actually depends upon a lot of factors. These factors might include “the quality of data, the scope of the study, the nature of the topic, the amount of useful information obtained from each participant, the use of shadowed data, and the qualitative method and study designed used” (Dworkin, 2012, p. 1320). For this study, I feel that I collected sufficient amount of data, a total of 12 interviews with 13 participants. This sample size allows me for detail analysis of categories of the data and widens the possibility of identifying the variation of the same.

Among 12 interviews, one was a joint interview. This joint interview took place at the Peace Bridge Newcomer Center (PBNC) where I met two staff and both of them expressed interest to participate in my study together.

I was aware of the sensitivity to participants’ need for comfort and privacy and that included their language preferences. I also paid attention to the needs for convenience allowing the participants to choose the interview site. All interviews with professionals took place in their working location, either in their office room or in the meeting room at their office. However, this arrangement did not guarantee to have a complete calm and quiet environment as there were few interruptions though I look at it as a part of natural interview setting. I was equally careful with the interview environment of youths. I interviewed Abel, Munir, Kadir, Jack and Paola (all are

pseudonyms) in their convenient places. Out of the five interviews with my youth participants, I interviewed Abel in a transitional home at Fort Erie as he was a resident there. Interview with Munir took place at the Fort Erie Multicultural Center. With the help of multicultural center staff he was informed about the interview before it took place. For him the interview spot was the multicultural center according to his choice. At the beginning we had some informal conversation, then I shared my study objectives and explained the informed consent form where he willingly signed. The interview took place at the meeting room in the multicultural center.

The third interview was arranged at the participant's house at Niagara Falls area. I was referred to him (Kadir) by another research participant at Niagara Folk Art Multicultural Center. I established communication with him first by email and then by cell phone. Through our conversation I made sure that he understood the objective of my study. While given choice about interview location, he preferred his house on a weekend afternoon.

The fourth interview took place at Jack's house at Geneva Street in St Catharines. I visited this house twice the same day to set a time convenient to him. While visiting his house in the morning, I came to know that Jack had four siblings and the youngest one is a twelve year old boy. All of the siblings were asked to leave Canada including the youngest one and this made the entire family upset. However, I did not have enough scope to enquire about deportation of a twelve year old as my study aims to examine situation of the youth who are sixteen and above. So I interviewed Jack at his convenient time in the afternoon the same day.

Another participant of my research is Paola who is a student at Brock University. I got her cell number from the Matthew House and texted her. She is a Brock student. I explained my research to her while we met at Brock University and she willingly participated in it. Thus I interviewed five youth participants.

During the interviews I applied active listening technique as “active listening consistently tends to evoke for interviewees a feeling of being understood” (Kadushin & Kadushi, 1997, p. 51). My objective was to ensure that my presence before him/her was to communicate genuine interest, understanding, and acceptance of my participant’s statements and perspectives to better understand his/her point of view. In addition, I took quick field notes as part of interviewing my participants. However, I emphasized more on active listening so that I do not get distracted with my own observation notes. I recorded my own observation and notes immediately after each interview.

#### **4.2 Participants**

As already mentioned, thirteen participants participated in my study; five of them were youth and eight were adult workers. According to the approval of the Research Ethics Board, this research would involve people aged 16 and above. It indicated that the youth participants would have to be 16 and above whatever age they entered into Canada. Another significant eligibility criterion for them was to enter into Canada alone. All of my youth participants met both the criterion. About the term ‘youth’ participants, I would like to mention that there is no unique definition of youth in Canada. Many different projects and organizations define ‘youth’ in many different ways. For instance, the ‘Environmental Scan: Extended age definition for youth 15-24’ reports that according to the National Longitudinal Survey of Children and Youth project and the Youth in Transition Survey project of the Statistics Canada, youth are those who fall respectively into 16-23 years and 15-28 years (Doucette, 2010). Here we see two different age groups of youth determined by two different projects of the same organization. The same reports show that youth are people who are 19-30 year olds as defined by the Canadian International Development Agency (CIDA)’s International Youth Internship Program (Doucette, 2010). However, “focusing



on how citizenship rights are linked to age reveals the role of the state in defining youth” (Maira, 2009, p. 14). A majority of my participants were between 17 to 19 years of age and one of them was 27 year old. The definitions of youth are broad across programs and levels of government, yet based on the above examples it generally ranges from 16 to 30 years and the age of my research participants is very much consistent with this age range specified by the Canadian government.

Initially I planned to interview ten youth of whom five would be boys and five girls as I wanted to collect as much as possible diverse information and also consider gender equality. I met with ten youths, yet could not list all as potential interviewees because of eligibility criterion. For instance, I found a grade 9 student who came to Canada alone at the age of 13, yet I could not interview her because of her citizenship status. She was a by birth Canadian citizen who left Canada with her mother at 1 year of age and returned to her uncles in Canada at 12. This case does not really fulfill the definition of unaccompanied minor because she had a valid passport and all necessary documents (e.g., birth certificate) as proof of her citizenship. I would rather say she ‘returned’ instead of ‘arriving for the first time’. Another example was an 18 year old student who, at 15, entered Canada by crossing the border at Fort Erie with his mother but now has no connection with his mother and he lives with the help of Ontario Works. This young man did not come to Canada alone. The purpose of my study is to hear stories of those who arrived here alone for the first time and were sent to shelters or group homes as they had no safe destination to go to, even if they had relatives in Canada. Finally, I ended up with five youth.

Among the five youth participants, three were high school students during the interview while one was waiting for his hearing and admission to school. Another participant was a Brock student as mentioned before. Among the first three, Jack got admission into Niagara College. I

interviewed him in January 2013 and was interested to follow up his case as he had some legal issues. After mid-February I tried to reach Jack over phone but found my calls unanswered and so were text to his cell phone. Then I tried to reach his friend Mitchel who introduced me to Jack. I sent a text message to Mitchel's cell phone to find out if he had any information about his friend. While writing this thesis Mitchel texted me to say that Jack had left Canada just that morning (February 19, 2013).

I interviewed eight workers in fifteen visits. They are the Youth Services Coordinator of Niagara Folk Arts Multicultural Center in St Catharines, the Interim Coordinator of SWIS program of YMCA in St Catharines, the Director of Matthew House in Fort Erie, two staff from Peace Bridge Newcomer Center (PBNC) in Fort Erie, the Counselor at Casa El Norte in Fort Erie, the Executive Director of Fort Erie Multicultural Center in Fort Erie, and the Director of Family and Children's Services Niagara. My aim was to reach people of diverse backgrounds and this includes people who directly work with youth and with policy as well. The literature on unaccompanied minors and youth that I reviewed provides very little information about the role of transitional homes in providing services, especially ones at the border communities. My study reports on the experiences of people who are closely working with unaccompanied youth, particularly at Fort Erie port of entry. I was also able to find people of different ages and different perspectives that helped me to understand how people of different ages perceive the world in different ways. For instance, while some participants pointed out that more funding is needed, other participants emphasized that community involvement and more interaction with each other to improve services to unaccompanied children is the most important thing.

#### **4.3 Recruitment**

I recruited participants using nonprobability sampling method. In applied social research there are circumstances when probability sampling, which is mostly used to answer the ‘where’ and ‘how many’ questions, is not feasible or practical for data collection. For instance, the researcher needs to set up some processes that ensure that different units among the entire population have equal probabilities of being chosen. This is not the case in my study as this study intends to reveal the story of people, not to justify how accurate or rigorous these stories are. Also, I was more interested in seeking answers to the ‘why’ and ‘how’ questions. Therefore, non-probabilistic category of sampling would be a good choice for this study. Among the wide range of non-probabilistic alternatives, convenience sampling technique has been used in this study because of the participants’ convenient accessibility and proximity to the researcher. This method saves time and money at the expense of information and credibility. In utilizing the convenience sampling technique the researcher “selects the cases that are at hand until the sample reaches a desired, designated size” (Connaway & Powell, 2010, p. 117). This is also known as availability sampling. Rubin and Babbie (2011) argue that this method “can provide useful tentative findings especially when no egregious forms of bias can be detected in the sampling approach taken and when care is taken not to overgeneralize the findings” (p. 356).

Recruitment of my participants involved three parts. The first one was emailing participants. I found their email addresses from websites and emailed organizations who are working mainly in St Catharines, Fort Erie and Toronto area. Based on their positive responses, a meeting date was fixed considering both parties’ availability. Almost half of my participants were recruited in this way. The second part entailed making phone calls to their office numbers. I decided to call people whose email addresses were not available on their website. In some cases, I was able to set a meeting schedule from the first call while I left voice message with others.

Finally, I used the referral method which, I consider, is a part of convenience or availability sampling.

Here is an example of how the recruitment process followed availability sampling. The Youth Services Coordinator of Niagara Folk Arts Multicultural Center referred me to one youth who lives in Niagara and she gave his email address. I emailed him and exchanged phone numbers and called him afterwards. Over phone, I explained the purpose of my study and asked him if he would be interested to take part in it. In our conversation I made sure that he understood his role and his freedom in participating in my study. Based on his consent we set a date for the interview. Another instance was meeting another student who was also referred by the same person at Niagara Folk Arts Multicultural Center. I met that student named Mitchel at Tim Hortons, however, I later found that his background does not really match with the eligibility criterion of my research participants. So I explained to him about that and offered coffee and had some informal conversation. I asked him if he knew anybody who might fall into the category of my study. Instantly he referred me to his friend Jack who seemed to be a potential participant. Mitchel was eager to introduce me to Jack at their house. So, we walked down there and arrived at their home at Geneva Street in St Catharines. However, at that time Jack was about to go out, I briefly told him the objectives of my study and sought a time to provide more details. He took interest in it and we set a time accordingly.

Some researchers cautioned about risks associated with convenience method arguing that this method does not permit control over the representativeness of a sample. Babbie (2010) confirms that this method is justified “if less risky sampling methods are not feasible” (p. 192). However, he also warns not to generalize the data that is collected through this method. At this point, I would agree with Qvortrup’s (2008) argument as he shows that we lose information

through generalizing but losing information in a controlled way is just the part of research.

Qvortrup (2008) argues that “it was never the task of researchers to tell everything they knew; on the contrary, the task was always to sort out the most important features and findings, and one crucial criterion is to meet the demand for commonality” (p. 67).

Most of my first meetings with workers had conversations related to their experience in this sector and that conversation was helpful to modify my research questions. I met with the Executive Director of Fort Erie Multicultural Center in October 2012 and had been in touch with her through email until I was able to set the interview date in December 2012. Yet there were a few cases when I interviewed my participants in the first meeting. However, I ensured that those participants received information about my study prior to the interview. Interviewing people at the transitional homes could be an example of that. In my meeting with the Executive Director of Fort Erie Multicultural Center, I came to know that there are three transitional homes at the border area and she offered me the chance to visit those homes with her. I accepted her offer because I was neither familiar with those homes nor even with Fort Erie. Before my visit to the homes, I gave her my thesis proposal to share with those homes so that they could have an idea about my study ahead of the interview. During my visit, she introduced them to me, I spoke with them for a while to make sure that they understood the objective of my study and were interested to participate in it. This way, from noon to evening the same day, I met four professionals of three transitional homes. These were Matthew House, PBN center and Casa El Norte.

I started communicating with my research participants once my thesis proposal presentation was over. However, I began to confirm the appointments once I got the REB's approval. In all of my first meetings, I gave a copy of thesis proposal to my potential

participants. Participants who confirmed their participation a week earlier received an email reminder 48 hours before the scheduled meeting.

#### **4.4 Question schedules**

My interest in exploring their personal experience links to my research questions. Agee (2009) points out that “Qualitative research questions need to articulate what a researcher wants to know about the intensions and perspectives of those involved in social interactions” (p. 432). Comprised of mostly open-ended questions, I designed interview question schedule in a semi-structured format. My literature review and research question are the basis of questions in the schedule. I followed the idea of Merriam (2009) to ensure that “all questions used flexibility, specific data required from all respondents” (p. 89). The question schedule was used to guide the interviews i.e., to point out from where to begin our conversation and where to end. Although I had a unique set of questions, I noticed that each interviewer had different perspectives and they responded to my questions from their own point of view. That made me realize that my question schedule and their different ways of reflection are equally important to me, as Denzin (2000) notes “the research question is framed by two sources: the researcher and the subject” (p. 350).

As I was interested in hearing of their life experiences, especially of young participants, I also formulated and added questions during the interviews. Denzin (2002) shows that “life experiences give greater substance and depth to the problem the researcher wishes to study” (p. 350). For instance, in response to my question “How did you plan to travel to Canada”, three youth participants answered in three different ways. Kadir focused more on his past days at home to relate to his travel while Munir was more interested to link his answer to his present situation. On the other hand, while transcribing I noticed that Paola, another participant, linked her travel arrangement with her past and present equally. Therefore, while my participants were describing

their stories, I asked some supplementary questions, for example: how they got visa, how they managed to obtain a ticket, was that a family decision or if they decided by themselves and so on as I wanted to uncover their perspectives. I agree with what Agee (2009) asserts “the questions generally seek to uncover the perspectives of an individual, a group, or different groups” (p. 434).

#### **4.5 Consent, Ethics and other things to consider**

Referring to Article 12 and Article 13 of the UNCRC, Christensen and Prout (2002) argue that “the CRC provides that in all work (including research) children are treated as fellow human beings, giving their views autonomous status and including consideration of their rights” (p. 493). Ethical issues are equally important to anyone whose life story is investigated by other people. My research participants were 16 years and older and ethical issues were given importance as my research’s aim was to investigate their lives. “The three core principles of justice, beneficence, and respect for persons appear in the research ethics guidelines of many countries” (Lindorff, 2010, p. 53). My research followed these principles carefully. I received approval from the Brock University Research Ethics Board (REB) as I went through all concerns related to ethics. Although children’s age of majority in Canada is determined by its province and territory, section 3 (1) (e) of the Children and Family Services Act 1990 states that “child means a person under sixteen years of age unless the context otherwise requires”. The REB allowed me to conduct interview with people 16 and above.

However, there was something else that this study had to go through in order to obtain ethics approval. This study originally aimed at interviewing minors under 16 and it is because of two reasons. First, the literature presents very little information about experiences of unaccompanied minors, especially those who are under 16 in Canada. The data shows that the

number of 10-15 year old unaccompanied children arriving in Canada holds an important position (Source: Data received from Fort Erie Multicultural Center). Therefore, this study wanted to hear the stories of unaccompanied minors which were hardly addressed in the literature to date. The second reason is to give children a voice which is more linked to two articles of the UNCRC: freedom of expression (Article 13) and freedom of opinion (Article 14). Sharing own stories of such a challenging voyage and getting accustomed to a new land would indeed make a minor feel empowered. It can be easily assumed that unaccompanied minors throughout their journey to Canada and even after entering Canada face different challenging situations alone. Since they have neither parents nor any legal guardian in Canada, they deal with the challenges by themselves. Surprisingly, the REB policy does not allow a researcher to interview someone under 16 unless their parents give consent. It is important to note that this group (unaccompanied minors) is different than children who were born and brought up in Canada under the protection and care of either biological parents or caregiver. However, the ambiguity of the status of these children was something that policies of the REB could not accommodate. The child who comes to Canada alone leaving his or her parents behind cannot produce a parent overnight that would give the consent on behalf of him/her. This is a clear contradiction between the UNCRC article 12 and the REB policy. Article 12 says that "Children have the right to say what they think should happen, when adults are making decisions that affect them, and to have their opinions taken into account" (UNCRC, 1989). But the paradox in this case is these children could not participate because they did not have parental consent, and they could not get parental consent because they were unaccompanied minors. I assume, in the name of protection, such policies indirectly restrict children's participation and let them stay away from the mainstream society. This is a structural ideology that considers one side of the coin.



When the government of Canada allows these children to enter into Canada, institutions located within Canadian territory needs to revisit their policies and practices too in order to comply with the UNCRC as well as the notion of ‘child rights’ and ‘child participation’. In fact, a minor’s views and opinions cannot be best expressed by somebody else.

I conclude this section with a quote from William (2006). The quote, citing Masson (2004), says:

Where children can understand enough to distinguish research from other interventions, and understand the impact on them of participating, it may be more ethical to act on their consent than to require the fully informed consent of a parent. Such an approach gives children the maximum opportunity to have their views and experiences recorded and avoids the exclusion of children whose parents would not respond to a request or would wish to control whom their child speaks to (p. 20).

This chapter explained methodologies and ethical issues which are indivisible part of a research. Now I move onto the next chapter that highlights a recent change in immigration laws and some statistical facts regarding unaccompanied minors that arrived in Canada in the recent years.

**Chapter 5: Changes in immigration laws and statistical facts**

This chapter is divided into three sections where I focus on recent changes in the Canadian immigration law, the Safe Third Country Agreement that took place between the USA and Canada in terms of refugee movement, and finally statistical facts on the number of unaccompanied minors in Canada.

**5.1 New law in refugee claimant process**

There is no separate arrangement for minor or youth in Canada's refugee system. So, here I would like to focus on refugee system in Canada to show how minor and youth fit into it. In 2012 a change took place in Canada's citizenship and immigration law. In the overview of new refugee system, the government website states that "these changes accelerate the processing of refugee claims and will help deter abuse of the system". These changes were taking place at the same time as I was establishing contacts with my participants and I was unaware of these changes. I came to know about this change when I found some documents available on the website in December 2012. Later, I attempted to bring this issue into the conversation with my participants, especially those who represent the shelter, multicultural center, and Family and Children's Services.

As it is a very recent change, much information on this change is available on the website rather than in the literature. The new refugee system, in short, replaced the Personal Information Form (PIF) with the Basis of Claim (BOC) which is given to all refugee claimants when they make their claim. Refugee claimants who make their claim at the airport or at the border will have 15 days to submit their BoC to the Immigration and Refugee Board (IRB). According to Bill C-31, refugee claimants who make their claims at an immigration office inside Canada will have to bring their completed BoC to the "eligibility interview" they have with the immigration

officer in 2 to 3 weeks. The Annual Report to Parliament on Immigration, 2012 points out that “Canada continues to uphold its humanitarian tradition by continuing to make reforms to its in-Canada refugee system through Bill C-31, which became law on June 28, 2012. This bill introduced much-needed reforms to the asylum system resulting in faster delivery of decisions on refugee claims and deterring abuse, thus enabling Canada to offer more timely protection to those who truly need it.”

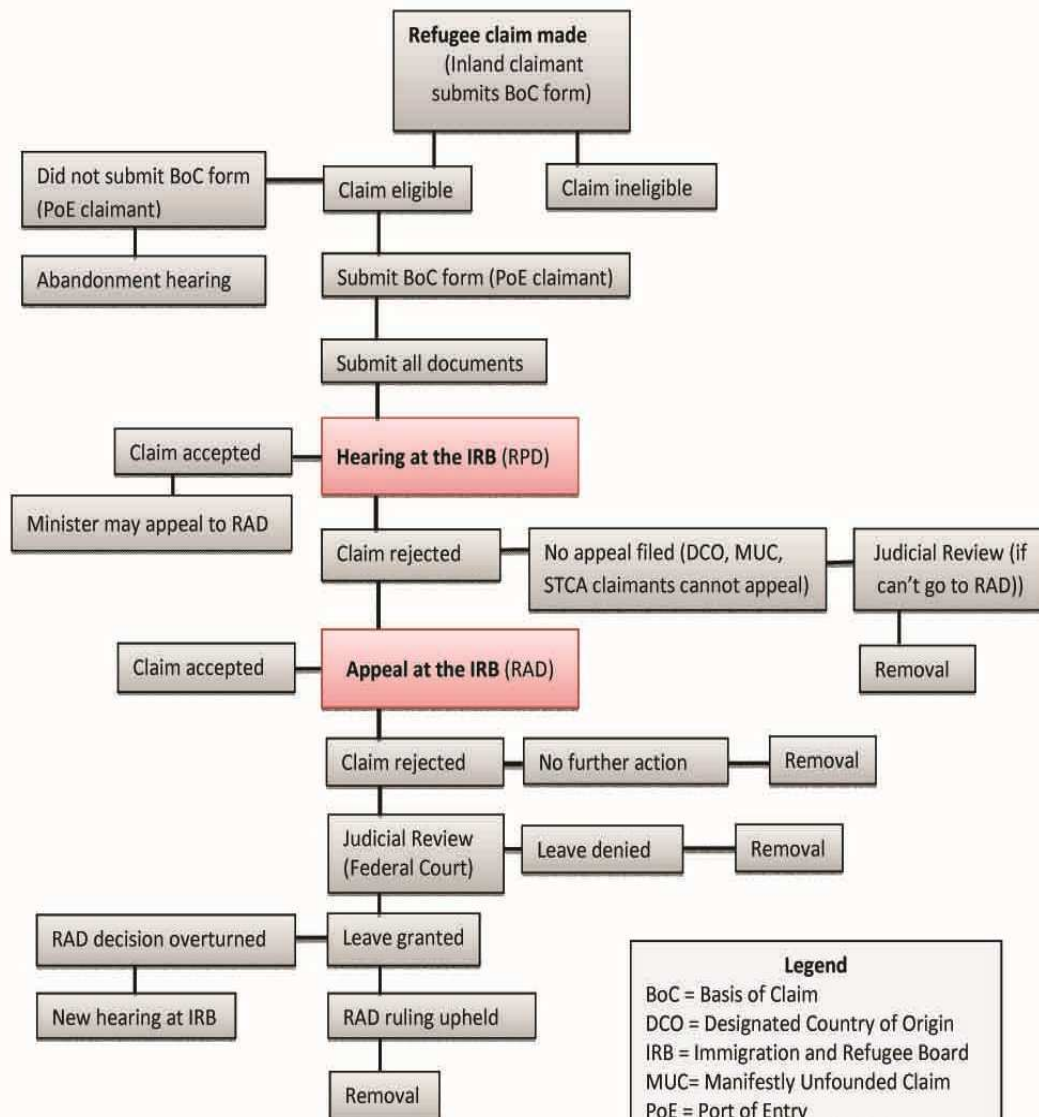
The government argues that the new system would quicken the claim process, however, question emerges if this new system considers the issue of youth who are traumatized and just arrived in Canada from an unsafe environment. The literature review in chapter 2 and also the description of data in chapter 7 show that unaccompanied minors are often depressed with trauma and anxiety and, therefore, the service providers may require extra time to develop trust and confidence among those children before beginning their refugee claimant process. In such a situation it may not sound wise to consider cases of these children as equal to any adult’s refugee claimant case. Here is a chart obtained from Canadian Council for Refugees that shows how the refugee claim processes work:

CONSEIL CANADIEN POUR LES RÉFUGIÉS



CANADIAN COUNCIL FOR REFUGEES

### Canadian Refugee Claim Process (after Refugee Reform, 15 December 2012)



#### Legend

BoC = Basis of Claim  
 DCO = Designated Country of Origin  
 IRB = Immigration and Refugee Board  
 MUC = Manifestly Unfounded Claim  
 PoE = Port of Entry  
 RAD = Refugee Appeal Division  
 RPD = Refugee Protection Division  
 STCA = Safe Third Country Agreement

December 2012

This chart illustrates that the refugee claim begins with the BOC and eligibility and/or ineligibility of the claimant follows some specific process which is the same for both minor/youth and adults. I would argue that if the purpose of the new law is to offer timely protection to those who need it, this is necessary to think about how to minimize complexities of the above chart to provide better support to an unaccompanied minor.

Another problem lies with the UNCRC article. According to article 22, “children who come into a country as refugees should have the same rights as children born in that country” (UNCRC, 1989). However, children who come to Canada unaccompanied are not yet ‘refugees’, thus the UNCRC as it is written does not apply to them, and therefore, the state is under no obligation to fulfill rights of a minor who arrives in Canada accompanied by no one. The new immigration law does not really address this issue and, thus unaccompanied minors in Canada have no options other than walking through a winding road.

## **5.2 The Safe Third Country Agreement**

Although Canada has a unique system for refugees, there is an exception for the unaccompanied youth. In 2002, the USA and Canada signed the Safe Third Country Agreement (STCA) as part of a 30-point action plan associated with the Smart Border Declaration, a joint venture between both nations to securely facilitate the free flow of people and commerce. Under the STCA, the USA and Canada must each recognize the other nation as a safe third country for asylum seekers. The STCA permits Canada to return to the USA asylum seekers who are attempting to enter Canada from the USA at a land point of entry, and vice versa. However, unaccompanied minors were considered one of the three exceptions included in the STCA. The agreement went into an effect on December 2004. Fifteen months after implementation, a study was conducted by the Harvard Immigration and Refugee Clinical Program. The Harvard Study

(2006) defines an unaccompanied minor as “an unmarried refugee status claimant who has not yet reached his or her eighteenth birthday and does not have a parent or legal guardian in either Canada or the United States” (p. 7). The fact-finding investigation of this study reveals that “only those refugee claimants who fall under the STCA exceptions have been allowed to enter Canada at land border points of entry” (p. 10).

My point of interest was to know the reason that the STCA made with the exception for. However, Harvard Study did not really explain about that. Digging into the contribution of the STCA, Harvard Study comments that this is “only one piece in a puzzle where refugees are trapped in their countries of origins, unable to flee, and are denied fundamental rights” (p. 4). The chapter on ‘Description of Data: A thematic presentation’ explains more on the STCA.

### **5.3 Quantitative scenario**

This research, although qualitative in nature, also considers quantitative information so that it could augment our understanding about the trends of unaccompanied minors’ arrival in Canada. The statistical facts that this section presents are obtained from the Executive Director of the Fort Erie Multicultural Center at Fort Erie, Ontario. A total 154 minors and youths entered into Canada by themselves through Fort Erie port of entry from 2007 until January 2013. Here it is important to note that this refers their entry through one single entry point, i.e., Fort Erie port of entry, so we can try to imagine the entire picture of their number arriving through other ports of entry in Canada to have a general idea about the number of unaccompanied minors in Canada.

**Table 1:** Total number of unaccompanied minors from 2007 to January 2013 is shown in the following table according to their age and gender:

Year of arrival	Number of unaccompanied minors according to age and gender								Total #
	16-18		10-15		6-9		1-5		
	M	F	M	F	M	F	M	F	
Jan 2013	2	1		1					4
2012	10	6	2	4	2		1		25
2011	49	9	6	10	1		1	2	78
2010	24	3	9	1		1			38
2009	3	3							6
2008	1								1
2007	2								2
	91	22	17	16	3	1	2	2	
Total #	113		33		4		4		154

M=Male unaccompanied minors, F= Female unaccompanied minors

From the above data it is clearly understood that from 2007 to January 2013, the highest number of unaccompanied minors arrived in Canada in 2011 and most of the children and youth came from Afghanistan. Next chapters of this paper attempt to find an answer why this is so. Also it is to note that the number of boys is almost three times higher than the number of girls. Table 2 illustrates that most unaccompanied minors and youth came from Afghanistan, an extremely patriarchal society, where women's free movement is restricted. Obviously it is not common for girl children in that society to move alone and hence, it affects the total number of unaccompanied minors' arrival into Canada. Another important point that Table 1 shows is

although the number of 16-18 year olds is the highest among all, children of 1-5 years and 6-9 years age groups also entered into Canada by themselves.

**Table 2:** Out of 33 countries in total, following table provides a picture of major 7 countries of origin that unaccompanied minors came from. This data is from 2007 to January 2013:

<i>Sl</i>	<i>Country of origin</i>	<i>#of unaccompanied minors arrived from</i>
1.	Afghanistan	50
2.	Colombia	28
3.	El Salvador	11
4.	Srilanka	7
5.	Honduras	5
6.	Eritrea	5
7.	Pakistan	4

Table 2 indicates that children from Afghanistan, an Asian Muslim country, occupy the highest number of unaccompanied minors in Canada from 2007 to January 2013. Despite being another Asian Muslim country, this scenario is different in case of Pakistan. Being curious about why the number of Afghan children is the highest among all in the recent years, I had the opportunity to investigate the reason. My study presents the findings of my investigation in the next few chapters.



## Chapter 6: Introducing participants and service providers

The previous chapter briefly focused on my research participants and service providers that this chapter explains in detail. The chart below presents 13 participants of my study at a glance:

S1	Pseudonyms of unaccompanied minors	Country of origin
1	Munir	Iraq
2	Kadir	Afghanistan
3	Abel	Burundi
4	Jack	The Bahamas
5	Paola	Zimbabwe
	Name of the staff	Organizations
6	Martha	The Fort Erie Multicultural Center
7	Rohaina	The YMCA
8	Melenie	The Folk-art Multicultural Center Niagara
9	Judith	The Casa El North, Fort Erie
10	James	The Matthew House
11	Maria	The Peace Bridge Newcomer Center
12	Leonas	The Peace Bridge Newcomer Center
13	Lynda	The Family and Children Services Niagara

The following section introduces first, the unaccompanied minors and youth; second, service providing organizations; and finally, workers in those organizations.

### **6.1 Introducing unaccompanied minors**

The interview process begins with Abel whom I met at Casa El Norte. He came from Burundi as an unaccompanied minor at 17 years of age in December 2012. His travel was arranged with the help of his mother's friend as his father was missing for a long time and it was not safe for him to stay in Burundi. I was introduced to Abel with the help of Sister Judith, a counsellor at Casa El Norte. For the interview, Abel preferred to speak in Kirundi (his own language) although at the end of the interview he replied to my thanks in English and that gives me a sense that he might speak English as well. However, Sister Judith also arranged an interpreter who was another youth from Burundi and speaks both languages. The friend of Abel's mother decided his destination to be Canada because Abel has an uncle here who received him at the airport in Toronto and he was happy to see his uncle there. He told me that his hearing date was at the end of February. He was pleased with the services provided by the home. His wants to go to school sooner. As part of follow up, I phoned at the home in late February and learned that he started his school by then. He left the transitional home and is now living with a family.

The next participant is Munir whom I met at the Fort Erie Multicultural Center at Fort Erie. He came from Iraq at the age of 16 in 2010. Because of the political situation, his parents sent him to Canada with the help of a group of people whom he did not know. Those people arranged his visa from Turkey, so he had to go to Turkey first, from there he came to New York, and from New York to Buffalo and then he crossed the border at Fort Erie. He was a resident at Matthew House and was closely connected to the multicultural center that helped him to get involved with community activities which he liked very much. He had started school with the help of the Matthew House and the multicultural center and now looking forward to going to

college. His hearing and other legal procedure went smoothly and he appreciated the role of the multicultural center in his progress in Canada.

Another research participant is Kadir whom I met at his house in one of the neighborhoods at Niagara Falls. In 2009 he came from Afghanistan at the age of 13. First, he came to the USA under the Youth Employment Services (YES) program, then after some days he learned that he was accused to be a terrorist so he ran away from school in the USA and decided to move to Canada instead of going back to Afghanistan. His experience at the border was positive except he was kept handcuffed for several hours. After his entry into Canada he was sent to a group home because of his younger age. Since he did well in that group home, the Family and Children's Services (FACS) arranged his living with a family in his current house. He goes to school, practices boxing, and all these expenses are taken care of by Ontario works.

Jack is another research participant who used to live at Geneva Street in St Catharines. He came to Canada from the Bahamas in 2011 at 16 years of age. He landed at Toronto airport and in the interview he told some of his scary experiences at the airport. His four siblings had been residing in Canada before he came. With financial support from the Ontario works he continued his school and recently applied to Niagara College. He was unhappy with the hearing at court because it brought him and his siblings a negative result. He found the Judge was "mean" to him. He told me that the immigration department gave them two opposite types of news: one officer asked him to leave Canada by February 2013 and another asked him to stay and report at Niagara every month. He showed me a letter that he received on January 15 titled 'Acknowledgement of Conditions' which asks him to report at Niagara each month. He also told me that he did not want to go back because life was not safe there. However, after a month of his interview, I learned that Jack and his siblings were deported to the Bahamas.

The last youth participant of my research was Paola who is going to complete her undergraduate studies at Brock University by 2013. She came from Zimbabwe at 15. It was 13 years ago when her father made a decision for her to travel with a group of people because of the political situation in her country. Those people brought her up to the border at Buffalo and she entered Canada as an unaccompanied minor. She was accommodated at Matthew House where she received strong support from the director of the house for her study and work. She did not have to go for court hearing and she received permanent residence within a short time. At present, she runs a boutique at Welland. Two years ago she went to see her parents with her son.

To sum up, four unaccompanied minors' arrival to Canada was made by adults' decision and one decided to come to Canada by himself. These cases take me back to chapter 2 where this paper cites that sometimes, "the parents decide what is best for the others and they don't consult the youth" (Montgomery et al., 2011, p. 105) and this statement applies to most of my participants very well. However, at such an early stage of their life they had been able to deal with many issues that they were never familiar with. Their interest and adaptability helped them survive and sustained them in a new system and a new cultural atmosphere even though they did not care if they were treated the same way as a Canadian-born child/youth is treated by and if their rights are addressed according to the UNCRC. However, the transitional homes played an important role in terms of providing services that an unaccompanied child/youth needs during the post-arrival days. The next section describes these service providers.

## **6.2 Organizations and transitional homes**

I visited a total of 7 organizations to interview professionals who are involved in providing services to unaccompanied children; of them 2 were transitional homes, i.e., the Casa El Norte and the Matthew House. Since chapter 4 provides details on how I contacted and

recruited participants for my study from these organizations, in this section I report on these organizations based on information available on their websites, pamphlets and brochures.

#### **6.2.a The Fort Erie Multicultural Center (FEMC)**

The FEMC is committed to carrying out its mission to assist newcomers arriving in Fort Erie to settle successfully into the Canadian society. Situated at the largest shared land border crossing for refugees in Canada, the FEMC's vision is Building Community by Bridging Cultures. Fort Erie is one of the largest entry points in Canada. Located beside the Niagara river, the FEMC's beginning story, dates back to the mid 1980s when five families opened their hearts and homes to refugees entering Canada at the Peace Bridge in Fort Erie (Fort Erie Multicultural Center, "n.d."). In response to increased number of refugees, the families created a community network forming a concentrated approach. Thus the FEMC emerged as a registered charity organization in 1992 (Fort Erie Multicultural Center, "n.d."). The FEMC provides services to support newcomers from the point of their first steps in Canada until their long-term integration into local communities. The FEMC receives funds from the Ontario Trillium Foundation, Ontario works, Fort Erie Bingo, Niagara Community Foundation, Canadian Heritage, Industry Canada, the Citizenship and Immigration Canada, CBSA etc (Fort Erie Multicultural Center, "n.d.").

#### **6.2.b Folk Arts Multicultural Center (FAC)**

The Niagara FAC, incorporated as the Folk Arts Council of St. Catharines in 1970, has the mandate to support and assist the ethno-cultural and newcomer community in Niagara through a number of programs and services. This center has been facilitating and supporting the successful settlement and integration of newcomers since 1970 (Folk Arts Multicultural Center, "n.d."). The clients of the Centre come from all parts of the world and include Landed

Immigrants, Canadian Citizens, Convention Refugees and Refugee Claimants. The Host program, a program facilitating friendships between newcomers and Canadians, has been offered since 1996. In 2008, the Host program added a similar program which is dedicated to youth aged 13-24 (Folk Arts Multicultural Center, “n.d.”).

The FAC programs are funded by the Citizenship and Immigration Canada, the Ontario Ministry of Citizenship and Immigration, the District School Board of Niagara and United Way (Folk Arts Multicultural Center, “n.d.”). Services in this centre are offered at no cost to eligible clients. Their vision is to be a pivotal resource in welcoming newcomers to the community and to be valued as one of the finest settlement agencies in Ontario (Folk Arts Multicultural Center, “n.d.”).

### **6.2.c The YMCA**

The YMCA is dedicated to building healthy communities, committed to nurturing the potential of children, youth and families and fostering social responsibilities within the community. The Young Men’s Christian Association (YMCA) was established in 1844 in London, England which began its programs in 1851 in Canada (YMCA of Niagara, “n.d.”). Operating 178 unique programs from 101 sites throughout Niagara, the YMCA offers Health & Fitness, Community Initiatives, Child Care, Day Camp and many other programs (YMCA of Niagara, “n.d.”). Through their focus on inclusiveness and accessibility they mean serving people of all ages, backgrounds and abilities through all stages of life. Through the YMCA Strong Kids campaign, the YMCA is accessible to all (YMCA of Niagara, “n.d.”). For my research, I visited Employment and newcomer services program of the YMCA at Bunting Road, St Catharines.

### **6.2.d The Family and Children’s Services**

Serving Niagara since 1898 the Family and Children's Services (FACS) Niagara is a multiservice agency offering a wide array of services to the Niagara community. The FACS provides services on community programs such as child care, parenting centres and counselling, child protection, and supports families in providing the best care possible for their children. They also provide foster care and adoption services. The FACS reports to the community through a volunteer board of directors (FACS, "n.d."). This organization is mandated and funded by a variety of sources including the Ministry of Children and Youth Services and the Ministry of Community and Social Services (FACS, "n.d."). Their vision is a community where children, youth, adults and families achieve their full potential in a safe, supportive environment. I visited their office located at Hannover Drive, St Catharines in order to interview a research participant.

#### **6.2.e The Matthew House**

The Matthew House in Fort Erie has been serving as a first Canadian home to over 1500 refugee claimants from more than seventy countries since 2000 (Matthew House, "n.d."). Staff from Matthew House will meet unaccompanied minors at the border, immediately providing them with safe housing, food and clothing, and then offer social, emotional and practical support with information and orientation. People can only live in Matthew House for about one month before moving to their own apartments in the community. The aim of Matthew House is to provide concrete support to refugees at this crucial time when they are in transition from a shelter to independent housing. They also provide long term care that includes walking people through the refugee claim process (which can take up to two years), facilitating long term integration by mentoring them through the transitions of education and finding employment (Matthew House, "n.d."). Their services also cover family reunification and offering support in crisis. In order to provide these services, they depend on volunteers, donations and fund raising.

**6.2.f The Peace Bridge Newcomers Center (PBNC)**

Since 1992 the FEMC has been operating the Peace Bridge Newcomers Centre and the center is co-located with the Canadian Border Services Agency's Refugee Processing Unit at the Peace Bridge, Fort Erie. This center provides refugee claimants with an overview of the legal process for making a refugee claim including deadlines, rights and responsibilities and general settlement information for their first month in Canada (Fort Erie Multicultural Center, "n.d."). The orientation services also include supportive counseling and problem solving, translation, assistance with housing and community orientation, immigration consultation, Commissioner of Oaths for original documents (Fort Erie Multicultural Center, "n.d."). In this center, each child under the age of 12 is provided with a Welcome Kit and there is a supervised play area available for children during interviews by the CBSA (Fort Erie Multicultural Center, "n.d."). Public access is not allowed in this center, so when I visited I was escorted by the executive director of the FEMC to interview the PBNC staff. All refugees are provided with extensive information to assist them when they arrive at their destination in Canada.

**6.2.g The Casa El Norte**

The Casa El Norte is a transitional home that offers shelter to refugees and immigrants coming into Canada. As a non-profit charity organization, it came into being in 1990 in response to the influx of refugees arriving in Canada at the Peace Bridge. It is strategically located in Fort Erie where many refugees travelling through the USA on their refugee journey cross over into Canada via the Peace Bridge. The home provides emergency shelter and assists with immigration and legal issues, transportation and translation, counselling, establishing networking and referral within the community (niagarafalls review.ca, 2007).

**6.3 Service providers and their involvement with unaccompanied minors and youth**



This section introduces another group of my research participants and presents their professional involvements with unaccompanied minors. Here I attempt to let the voices of the individuals who work at the various agencies describe the services.

The executive director of the Fort Erie Multicultural Center Martha's connection with unaccompanied minors and youths are indirect. In her own word "My role is more of background role, in policy area, procedure area. There's a number of steps that are involved and my role would have been in developing those steps". She continues, "on occasion, of course when we have unaccompanied minors who become part of our community, I will sometimes meet with them and get to know them a little bit better. There's a gentleman that you spoke with this evening who I'm quite attached to and... he was someone that kind of, he is a shining little star in my life you know, and I'm protective of him". I should mention that here she refers to a youth Munir who was also my research participant.

The founding director of the Matthew House, James, began our conversation with the story of the home: "The shelter opened in October of 2000 and we have continued to get service to all kinds of refugee claimants through the time but we have hosted a number of unaccompanied minors and over the years...my wife joined me and working at Matthew House in 2001. So we have worked together here through the time and most of the time we had three full time staff members providing services." He also adds that "we basically take on the role of parents when they arrive here, it's a small shelter we would never have more than 12 people here at one time and usually we are able to give them lots of attention, we have a night person that's here as well so that when we go home there's another adult who is present and they can approach them about anything that they need help with".

A counselor working at the Casa El Norte since 1990, Judith emphasized more from an organizational point of view. She said “Here at Casa El Norte we are a welcome center for incoming refugees who come in mostly through the Peace Bridge, and also we are a drop in center for anyone who just wants to come and have some company and a cup of coffee... Lot of our former residents come back to either volunteer or just to visit, and among the people that we receive are unaccompanied minors”. This organization is more for families as it does not receive many unaccompanied minors. Judith clarifies that “we do not receive as many unaccompanied minors as we do singles or family refugees, but I would say we probably have maybe 1% a month”.

The director of professional standards at the Family and Children’s Services of the local Children’s Aid Society located in the Niagara region, Lynda, gives a detailed account of her professional involvement with unaccompanied minors. She indicates “We have jurisdiction under the provisions of the Child and Family Services Act to respond to any children who maybe in need of protection under the provision of that legislation. So certainly for purposes of this conversation, because the Niagara region includes four international ports of entry, we do have fairly active dialogue with Canada Border Services and Immigration Services not always about unaccompanied children but certainly about children who maybe in fact in need of protection”. With respect to an unaccompanied child, their jurisdiction is quite explicit in terms of saying that the children must be under or apparently under 16 years of age. She explains that her role as a Director “is sort of multifaceted, certainly one of my own principle responsibilities was being a party some years ago to the development of a joint agreement between CBSA, immigration and child welfare agencies to formulate a more comprehensive response to these children... So that would be the principle pathway through which we would come into contact with unaccompanied

minors, not in a sense of how they are defined by the United Nations but in the sense of compliance with our own provincial legislation”.

Two staffs at the PBNC, Maria and Leonas, participated in my study together. Maria states that “we are two staff here. It’s like team work between immigration and us, the Peace Bridge Newcomer Center. As you notice this is part of Fort Erie Multicultural Center. This is one of the services that we provide to newcomers to Canada. Yeah, we receive people from everywhere around the world. Many times we receive minors, no-accompanied minors, or sometimes we receive minors they have family in Canada too. We receive no-accompanied minors. It’s a special process for them for a kind of admissibility hearing because they don’t have parents, they have to name a representative. Thus Matthew House plays a very important role and Fort Erie Multicultural center because they will be depending on Matthew House support and Multicultural center support. Sometimes even they name a representative somebody from the Multicultural, they spend here all day, they have interview as anybody”.

As a Youth Services Coordinator at the Niagara Falls Folk Arts Multicultural Center, Melenie works both with unaccompanied and accompanied minors and youths. In her word, “I work with new comer youths between ages of 13 and 24, working here at the Multicultural center since 2008. Over the four years... again I work with youth, not children, so the age group is 13 and older, so I can’t speak to children under the age of 12. The youths that I’ve seen that have been unaccompanied the only year I’ve seen them was last year, I had a bunch come over period of time in the last. I guess 18 months, umm, but over that time I’ve probably seen maybe 10”. Here I notice that she considers a 13 year old as a youth, but a 13 year old is actually a ‘minor’ or ‘child’ according to both Canadian and international definition. This point goes back

to chapter 2 where I tried to show how diverse is the definition of an unaccompanied child in Canada.

Rohaina started working with the YMCA in the newcomer services with SWIS program as an Interim Coordinator. She explains how the program works for all youth including unaccompanied youths. SWIS stands for Settlement Workers In School that was actually started as a program; a pilot project in 2009 by the CIC and it is funded by them but it is in partnership with the YMCA, District School Board of Niagara and the Catholic School Board. Rohaina explains, “We provide settlement services to new comer families and youth who are new to the country. Settlement services are provided to the families or I should say the parents in elementary school and to the youth and their parents in high schools...To the youth only in high schools and elementary schools which are still with the parents on one to one basis. If they are having any issue with their children or children are having any problem at school, we always notify the parents first. With their permission we actually speak to the child and in the presence of a teacher of course about their behavior issue or whatever problem is at that moment. As long as your child or youth is in school we can provide services to them. Even in some of the schools there have been youth who are 21 years of age but they are in high school. As we have a partnership with the school board, we do provide services to them”.

To sum up, I find that ‘unaccompanied minor’ is a diverse concept which is perceived by many people in many different ways. However, the above section gives me a sense that there are some sorts of services, sometimes directly sometimes indirectly, for an unaccompanied child that needs to be further strengthened.

**Chapter 7: Description of data: A thematic presentation**

Data analysis was facilitated by NVivo 10, a software program for assisting researchers in organizing and coding qualitative data. I analyzed the data thematically that helped me find out the salient themes that my participants commented on during the interview. While breaking down the transcripts thematically, I found a coherence and incoherence among the data. However, I wanted the data to ‘speak for itself’ and this is why I attempted to follow a thematic approach. This thematic approach aims “to capture all elements of events and experiences, the who, what, and where...or basic nature and shape” (Netland, 2013, p. 85).

This section presents eleven themes and describes the data chronologically. The purpose of maintaining a chronology is to give the reader an overarching idea of the “events and experiences” (Netland, 2013, p. 85) that my research participants went through. These are the concepts of unaccompanied minors, distinction between unaccompanied minors and trafficked children, arrival of unaccompanied minors, legal procedures to obtain a status in Canada, managing their stress and trauma, government programs and immigration law that impact on unaccompanied minors, services provided by various organizations and success of services, and finally suggestions and recommendations to minimize inconsistencies in service provisions. The themes drawn from my interview data, both from the youth and agency workers, are presented here:

**7.1 Unaccompanied minors**

The term ‘unaccompanied minor’ has been explained by my research participants, especially by the workers, in many different ways. Chapter 2, the literature review of this study illustrates that the definition of unaccompanied minors differs not only among scholars but also within and among provinces in Canada. In this study, differences of opinion in defining an

unaccompanied minor have also been identified among the agency workers. The Director of the Matthew House, James considers unaccompanied minors “to be young people under the age of 18 who arrive at the border without an adult with them”. It is noted that he did not mention what happens if there is an adult (with the minor) who is not a legal guardian of him/her. Counselor Judith expressed the same view as James when she said that: “a young person that arrives at the border who is under 18 years of age who is by themselves, who presents themselves at the border and they are not 18 years of age”. She also mentioned that “if they have a relative that’s good, but they are still unaccompanied if they arrive at the border alone, they are accompanied by no one, they come alone”. From her statement it is clear that even though they have a relative residing in Canada, they would be still considered unaccompanied. Her point slightly contradicts what FAC staff member Melenie said. Although she began with saying that “13 to 18 year olds, if they come without a parent or guardian I would consider them unaccompanied youth”, she ended up saying “I don’t consider them unaccompanied if their parents are here”.

While defining an unaccompanied child, the FAMC executive director, Martha, referred to the STCA and the Immigration and Refugee Protection Act (IRPA). She said, “the Safe Third Country Agreement where we see the unaccompanied minors, they are unaccompanied by their parents and their parents are not in North America i.e., Canada and the United States. IRPA would be more... the definition is a little bit different, their parent is more likely to be...absent for different reasons. But the one that we deal with is The Safe Third Country Agreement definition”. After interviewing Martha, I wanted to know more about these two definitions and learned that the Background Paper 2 on Separated Children in Canada: Immigration Procedure clarifies that there is no clear definition of a separated or an unaccompanied child that is used by the CIC, rather the definition of unaccompanied child is found in the manual ENF 20 on

detention, that is “an unaccompanied minor is a child under 18 years of age who is separated from both parents or from legal guardian”. This document also shows that the STCA defines unaccompanied minor as an “unmarried refugee status claimant who has not yet reached his or her 18<sup>th</sup> birthday and does not have a parent or legal guardian”.

The YMCA staff member Rohaina did not put any age bracket to define an unaccompanied minor but said that “they were by themselves, so that’s how I would actually define them where they are absolutely alone in a new place in a new country, doing everything by themselves at such a young age as well”. Finally, the FACS director, Lynda’s perspective holds an organizational standpoint as she describes that “who is defined as an unaccompanied minor by international law would be considered under provincial child welfare law as a child in need of protection and if our preliminary assessment was the child had no functional guardian, had no safe destination”. In order to show a gap between legal aspects of defining unaccompanied children, Lynda continues “there is a gap between international law and provincial law in that 16 to 18 year age group where those kids potentially come and fall through the cracks. So I guess in answering this question, my question is, under what legislation are you bound in terms of your service construct? So from my perspective ours is a provincial based statute that clearly defines when we cannot become involved with the youth”.

Defining an unaccompanied minor and determining their age are important issues because in Canada service provisions are designed based on the age category. For example, the FACS provides services only when the child in need of services is under 16. I believe there would not be any disagreement that whatever way unaccompanied minors are defined, they “constitute a highly heterogeneous population” (Wouk et al., 2006). This is an important point to think about the preparation and capacity of the service providers to deal with such a

heterogeneous group. The 'Service provision and networking among service providers' theme of this chapter will explain why it is necessary to revisit our readiness. However, this readiness does not necessarily mean having adequate fund or logistic support, it also includes having clear cut policies and willingness to implement those policies in an impartial way that would actually promote child rights and best interest of a child.

## **7.2 Trafficked children and unaccompanied minors**

The literature review in this paper suggests that it is important to have distinction between unaccompanied minors and trafficked children. Accordingly, one of my research questions attempted to address the perception of the professionals of different organizations and transitional homes on this subject. Some of them commented on why and how unaccompanied minors need or do not need to be considered separately. James thinks that "as far as distinguishing between trafficked and unaccompanied, usually we don't make a distinction here in fact in some cases the youths that we've dealt with may have... maybe considered trafficked after all the facts are known. But that isn't our problem to sort out that situation, what our service is to provide them with a safe secure homelike environment". I agree with him that services should be the same irrespective of their background but at the same time, probably for the safety of other minors, it is also important to investigate each suspicious case if there is no link with trafficking. Most workers spoke in the same tone as James, i.e., at the very first moment it is not easy to identify who is trafficked and who is not. Therefore, continuing investigation is one of the important tasks that the transitional homes perform and Judith indicated that "we've had some children definitely who were trafficked, yeah, some Chinese who definitely were trafficked... our work is to make every single person feel welcome no matter where they've come from... we try to make every single person feel that they are respected as human being and



that they are safe and they are welcome. At the same time you can't have your head in the sand, so we've been trying to investigate".

Lynda's observation reflects her organizational viewpoint. If her organization comes across anything suspicious regarding the validity of information of the child, they speak to the CBSA. She said "our legislation also contemplates those situations where immigration or the CBSA would have reason to believe that a child is being trafficked. They would have a duty to report that child to our agency and we would have an obligation to intervene on a protection basis".

This conversation gives me a sense that investigation and follow up of minors who arrive in Canada unaccompanied is really a vital task. This point is supported by Martha as she notes that "there've been unaccompanied minors who have come through our community that have moved on to other destinations that may or may not be potential trafficking people in that area and we've not followed up with those". Frequent movement of unaccompanied minors and youths from one place to another has been identified as one of the challenges to follow them up. Martha continues, "sometimes, it's just hard to keep track of people, but those that we have connected with, and have followed up with three months later or six months later seem to be doing ok...we are not able to do that with everyone".

The account of my research participants contradicts with section 2.2 of this paper that illustrates the concern of scholars on trafficked children. However, article 3(c) of the Palermo Protocol<sup>2</sup> provides an internationally accepted definition of trafficking as it says that a trafficked child is "any child recruited, transported, transferred, harbored or received for the purpose of exploitation is a trafficking victim - irrespective of her/his consent" (Bokhari, 2008, p. 202). In

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<sup>2</sup> Also known as the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, 2000

my study, none of the five youths was trafficked. They either came by themselves or by their parents' decision. Their negotiation skills to face the difficulties of a new place and their willingness and capacity to cope with a new environment challenge the traditional notion of childhood and, thus they shape what their rights are in the social world (Hanson & Nieuwenhuys, 2013). They are agents by themselves. Their everyday concerns, their vision, their confidence and their experience frame their living rights which are not confined only in the national and international acts and policies and these living rights have to be acknowledged.

### **7.3 Arrival of unaccompanied minors**

The experience of unaccompanied minors' arrival in Canada makes me enjoy reminiscing about my arrival in Canada few years ago. I remember while preparing my thesis proposal in 2012, I reflected on the same. As an adult landed immigrant entering alone into Canada after 29 hours inflight journey, I was a bit less relaxed (I am not using the word 'anxious' because 'anxiety' is linked to 'fear' which does not fit that situation as it was nothing fearful to me at that time). My unfamiliarity with the new place caused that discomfort which may happen with any newcomer as well. However, I felt excited twice in the entire process of data collection for my study. At first, when I turned the recorder on in front of my research participants, especially unaccompanied minors and the second time, when I transcribed those conversations. I was excited because I have been waiting for that moment to hear their stories in their own voices to know how they felt about arriving at a new place alone.

Interestingly, the transcripts convey a message that adults' decision played a dominant role in unaccompanied minors' journey to Canada in most cases. Let me begin with Abel's feelings. When he arrived in Canada he felt "happy" because there is "no war, no killing". Canada is a peaceful country compared to Burundi and from his interview I came to the point

that it is quite obvious that a youth from Burundi would be happy to be in Canada. He was in fear and tension with war and killing in his own country, and therefore, it is obvious that he would be looking for a place where there would be no war. His fearful experience made him mentally ready to welcome the new place and that might be a reason for being happy upon arrival. Another reason that made him “happy” was he saw his uncle after arriving in Canada. In his word, “it was a beautiful thing to see uncle”. With the assistance of a friend of Abel’s mother, his journey to Canada was planned. He remembers, “when I was in Burundi those people tried to kill me, that mother [friend of his mother] said me if you stay here you could be in danger so she tried to send me another country and she found my uncle here”.

Now let us turn to Jack’s story. His siblings had been living in Canada before he came. Jack reflected on his journey “I just caught the plane, my parents told me that I was going to Canada. I just read out the signs and just wait for them”. Unaccompanied minors are not always the scared and vulnerable young people, rather they are confident and aware of what is going to happen with them as we can see in Jack “I was alone but I tried not to be scared that much cuz I’m gonna change my lifestyle, try to take on something new, I know I could adapt... nobody look like me, everybody looks different, I come from the Bahamas where I’m used to see everybody looking the same, when I came to the airport everybody looked different...I know nobody, nobody knows me, so I just start off fresh like I start off new”. Jack’s statement clearly reflects his observation regarding the cultural and environmental difference in Canada. Does everything go very smoothly at the airport? Jack shares his experience that answers to my question: “At airport they did put me aside and interviewed me see who I am used to a place where we’ve little airport. When I came to Toronto with a big airport so I didn’t know where to go, and I crossed the lines, like the yellow line where they say everybody have to wait behind

that... So I just crossed that line before it's my time and then they thought that I was doing something illegal. So they stopped me and talked to me and they tried search me...but they let me go".

Kadir's story is interesting as he did not even have his passport with him when he entered Canada. He says, "I had the passport when I came to the States but when I ran away I didn't get my passport. I kind of ran away from the school trip... and when I came to the border, I didn't know if you leave the States you don't need to show your passport to the States officers. You come to Canada then you show your passport. I didn't know that. My only options were like either jump in the falls or cross the border. So I was like ok, I wanna cross the border if I see somebody coming after me, I would probably jump in the falls". When he said this, it instantly came out of my mouth that 'it's so scary!' He smiled at me and nodded his head "it was a scary plan because I couldn't...When I tried to, like I bought something to eat and I couldn't, the food was not passing through my throat because I was so scared. Like I was like, what am I doing, am I gonna die? Anyway, so it was pretty harsh time...when I crossed the border I didn't see anybody following me, so I just crossed like normally". That is how Kadir crossed the USA border and entered in Canada.

However, in the Canadian border Kadir had a dramatic experience. He said "there was a lady asked me about my passport. I said I don't have any. Driving license? I didn't have any. Any document? I said I don't have any. They called other officers and handcuffed me and took me to another department....and they kinda explained to me that I was a refugee and I might be sent back. I was so scared I lied with my name and everything, I was like I just came from Afghanistan, I don't know how did I get here. And then they finger printed me and they were like, now you got to tell us the truth. So I was like honest to them and told everything". This

questioning session continued for a long time as Kadir mentioned, “I was with this lady for like 13/14 hours... It was questioning for like couple of hours and they will leave and somebody else came and then... Yeah, so it was pretty scary that I went through. That night I was in a room with four walls and a table”. Initially I thought it was in a shelter, he corrected me saying “probably in an interrogation room in the border”. Kadir continued, “They planned on, like, sending me back to the States, but then I told them like if you send me back they are gonna send me back home and I’m gonna be killed. Is that what you guys want to?” I note his smartness at the age of 13! I would like to link his smartness to living rights which is different than the global and local notions of children’s rights. Many child rights organizations and legal instruments explain children’s rights through the discourses of vulnerability, yet children are competent to translate their living rights by themselves and Kadir’s argument with law enforcement staff is a strong evidence of such competence. In fact, “children are being systematically disenfranchised by the translation of rights into a discourse of vulnerability that prevents them from initiating rights claims to ameliorate their own circumstances” (Cheney cited by Stammers, 2013, p. 285).

Back to Kadir’s story. What on to say “and then they looked up some stuff and...to make sure that I was not lying, and afterwards they were like ok, they call FACS because I was underage”. This is Kadir’s arriving story. As mentioned before, I did not have the chance to hear from a lot of minors who came to the USA under the YES program. Yet, in order to make his entry into Canada possible this unaccompanied minor applied lot of courage and intelligence.

Before moving to other unaccompanied youths’ experience, here I would like to briefly show how Bhabha’s cultural difference is linked to the power of the governmental system of Canada. The post arrival events that took place with Jack and Kadir, are part of that cultural difference, not of cultural diversity. Jack, as stated above, when unknowingly crossed the yellow

line in the security zone after his arrival at the airport, discovered that security people considered him doing something illegal and it was such a scary feeling to him that he was able to recall it even after a long time. During the interview, he spoke about the differences he experienced in Canada compared to his country, the Bahamas: regarding the airport, people, living place etc. On the other hand, Kadir, despite being a minor, was handcuffed at the border which is a symbol of exercising power of the state. Both of these examples denote how cultural differences and practices of a country produce and reflect power, and this power is linked to the purpose of having a control over a system that Foucault (1991) terms 'tactics' of the government.

Munir's travel to Canada was made possible with the assistance of one of his friends who actually introduced a group of people to Munir's family to arrange his travel in exchange for money. I was interested to know who those people were and how his parents made this agreement. Munir told me "I don't know but... for my friend, he told my parents about those people, so then talked with my parents, it was between my parents and my friend and the people...I got the visa in Turkey, from Turkey to New York. It's tough to the say Middle Eastern people to get you know the visa, so when I went to Turkey. I don't think they like Iraqi a lot because I'm a Kurdish and we don't have the relationship with the Turks, so I stayed there for one week and they responded and I got visa". These conversations, and the conversation of other youth participants as well, indicate how political situation plays an active role in unaccompanied minors' movement. Munir continued to say: "When you come to States first time you land New York...now I realize things, so from New York you go by Greyhound bus and they will take you to Buffalo. When I was in New York I couldn't do everything by myself, like people help you, this arrangement with your parents or whatever they do and, when they dropped me at the Vive La Casa Buffalo I called my family, I said I'm ok, then they received money after, like it's kind

of agreement”. Munir’s journey was decided by his parents due to Iraq’s political situation as he mentioned in the interview. He began his Canadian life with Matthew House. He told about the staff of this house “those people they made me to trust them and then I started having confidence, I started talking with people and you know they helped me a lot... started feeling good, making friends you know, it was hard”. In the interview, Munir was also talking about his dreams of going to college as he was able to overcome hardships and challenges he faced after his arrival.

Paola began her story saying “I didn’t even know I was going to Canada. When I was home and everything was going on with the politics and the violence all that stuff, my father couldn’t afford to make sure that we all are safe or to make sure that all of us leave the country. But I was the oldest. So my father said I was leaving but I didn’t know where I was going. I came with two gentlemen that my father had organized this for me and...I just knew that he knew all, he knew things were not good”. Paola came to the USA and “they gave me my birth certificate and they said you are going to Canada like, take your birth certificate... And they put me in a taxi, they were, like, this taxi would take you where you are supposed to go. And then I went to Vive La Casa in Buffalo<sup>3</sup>”. Her journey from Vive La Casa to Casa El Norte was pretty smooth. She describes “when I was in Vive they told me...I think it was like a weekend or something, and they told me I would be leaving on Wednesday to go to Canada. But on the Monday they called me to say cuz I’m a minor, they will have to organize somebody to be there for me like across the border like to pick me up and stuff, and they’ve said that I would go to Casa and the sisters will be there to pick me up”. Paola, finally arrived at the Matthew House, seemed happy to remember her stories even after a long time: “I remember everything, I

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<sup>3</sup> “Vive La Casa” – “House of Life” is located on the east side of Buffalo, New York, is a nonprofit humanitarian organization that assists refugees seeking protection in Canada and the United States.

remember what I was wearing (laugh). They take your pictures. They do the finger prints and all that stuff. When I was about to leave then Diva, she works at the Multicultural Center at Fort Erie, she came running and she was like, no she doesn't have to go to Casa, she can go to Matthew House, they have room for two girls and she can be with her friend...So I ended up with Matthew house and met Jim [James] and...yeah, they are family. Ever since then they're my family, they are like my mom and my dad".

These unaccompanied minors' arrival stories take me back to section 3.1 of this paper where I discussed postcolonial theory as part of the theoretical framework of this study. These stories represent the individual historical identity of the minor and their willingness to maintain their national identity and interest to cope with the new place links to Bhabha's idea of the sense of identity being challenged by the intervention of third space.

#### **7.4 Legal hearing**

A hearing is an oral argument to determine if the case would be resolved without further trial or decided discrete issues of laws. Similar to adult refugee claimants, unaccompanied minors are required to go through a legal hearing to be eligible for permanent residence. As already mentioned Jack, who is one of the five youth participants in my study, and was deported in February 2013, said "the appeal came out negative. They sent us a letter, tell us the appeal won't work". He also adds, "it took very long before we get answer and the judge spoke with us very long. Like the judge was kind of mean to us; she wasn't at all nice and we kept on telling, no, we are not Haitians, we are Bahamians". Finally, Jack with his four siblings had to leave Canada. Jack's deportation case raises a question. Has he been deported because he has already attained the age of majority i.e., 18 years old or because the Bahamas is not listed in the Designated Countries of Origin (DCO)? Here I would like to mention, according to the



Citizenship and Immigration Canada (CIC), people from DCOs are considered safe and therefore refugee claimants from DCOs have their claims processed faster (CIC Website). The CIC points out that the DCO policy “will ensure that people in need get protection fast, while those with unfounded claims are sent home quickly through expedited processing” (CIC Website).

Another youth Abel’s hearing was in process during the interview in January. Later I followed it up with Casa El Norte early March and learned that his hearing was successfully completed and he is going to school now. Kadir’s experience indicates that the process differs from case to case. He said “I went to Toronto a couple of times, for immigration once it was in. I think Fort Erie or the Falls, and then the second time when it was for the approval...I went before a judge and they approved me...then I had a hearing in Toronto and...I passed that. So it was probably like 2/3 times and then other offices from homeland security had contacted with me, they want to talk to me about you know just to make sure I’m not like linked to any organizations that are terrorists”. In order to learn about detail procedure of hearing of an unaccompanied child, my study did not interview any lawyer and therefore, I had to rely on the data obtained from my youth and professional participants. Munir gave an idea about the length of a hearing. He said “after one month you get a hearing, they won’t ask too many questions, so they prepare you to the other hearing, so it’s a process, after the first hearing, it was 15 minutes or something like that. I got the other hearing after 3 months and I passed it, it was 4 hours, I had a confidence”.

Paola had interesting experiences regarding her hearing and these were kind of dramatic when she recounts: “I was actually joking with my Canadian dad and I was telling him, I’m not gonna have a hearing and he is like you’re not? I’m like no, I’m not. Then just before December, I got a letter saying I’ve to come for an interview. Then my lawyer said but you are not having a

hearing! And I said, well, why are you surprised, I told you I wasn't gonna have a hearing, and it was surprising cuz it didn't take that long and we went to Toronto, we met the immigration officer and she asked my name, when I told my name and how old I was. She was like, oh, you know it's almost close to the holidays, so it might take me a while to do paper work and everything, and we were not even there for 15 minutes, and we left". Paola got her application for permanent residence on the eve of the Christmas day the same year.

There are options, however, of appointing a designated representative if the unaccompanied minor is traumatized or if situation demands for any other reason. James has experience of working as a designated representative. He explains the process of appointing a designated representative: "If a young person is particularly traumatized and they are needing someone who can guide them through the process and help them make decisions, that would be an instance where I might be appointed designated representative. Each young person under 18 needs to have a designated representative they have to go to an eligibility hearing with immigration and they need a designated representative for that, now in many cases a lawyer is appointed to that just for the purpose of that hearing but if the immigration officer at the border notices that the young person is vulnerable, they might make that appointment in order that there's someone to sign for them if they need medical attention or whatever situations may come up but it depends on the discretion of the officer or if we feel that someone needs that kind of attention, once they get their lawyer, the lawyer can ask for the appointment of a designated representative, and the immigration refugee board would then request that one of our staff will help within that role".

Upon arrival unaccompanied minors need to apply for refugee claimant in order to have access to different services that include education, health etc. The timeline for setting up a

hearing date also depends on how and when a lawyer takes care of this matter. Rohaina describes: “Once you claim that you are a refugee, you get a paper which is your basically identification. So, they do that at the border and the border services call the shelters and somebody from the shelter is always there to help them out with all the paper work, get everything organized for them, then we have the multicultural center in Fort Erie who also has an immigration lawyer with them to advice what to do and how to go about it until they have a hearing set up”. Referring to a group of Afghan youth, she said that “this group was very focused, they knew what they wanted. They wanted to study; they had their goal set out; they knew in which university, in which subject they wanted to study unlike any other teenagers. Their cases were really quick. They got their hearing dates very quickly compared to other cases”. Although this particular youth group got their hearing completed within a year, however, in many cases, as she mentioned, unaccompanied minors end up waiting for years to set up a hearing date.

About a decision of hearing, Martha seemed very optimistic, “I don’t know of any unaccompanied minors who’ve ever had a negative decision who have been told to go home”. Here I would like to point out that Jack’s story could be an example of having a negative decision on hearing.

### **7.5 Stress, trauma and psychological issues**

Some of my research participants among the staff members emphasized the psychological issues that an unaccompanied minor have to deal with, in particular when these young people have just arrived to a new place. They might be under stress, extremely emotional, nervous or even deeply traumatized because of many known and unknown reasons. Service providers have an important role to play in this situation. Because a well-furnished room of four

walls and a roof are not enough to meet the needs of a traumatized child rather it requires something more to help the child get relief from his/her stresses and traumatic experiences.

Recalling from experiences, James points out that “often they are under a lot of stress, so they have stress related issues to deal with, if they’ve been through a particularly traumatic experience in their journey or before they left their country, we will get them the psychological help that they need”. He also added that in some cases he acted as a designated guardian for extra care and protection, especially for children who are extremely traumatized.

In connection to providing different types of services to unaccompanied children, I had a conversation with Leonas and Maria at the PBN center who spoke about dealing with children who come with serious psychological difficulties. For instance, Leonas mentioned that a “14/15 year old girl who was raped, so she never will talk to men, never, and thing is, that for them, you know..., for Maria to start to talk to girls, and after that it’s like what she is doing is part of counseling, because she is in real bad psychological situation, so... other services what would be real counseling”. Maria added, “You need time to realize what’s going in life”. Their point is supported by Kadir as he recalls that “when I came I was stressed like I didn’t talk with anybody”. Munir had the same psychological condition as he told, “First time I was by myself, I was really scared, I didn’t trust anybody, I said what’s gonna happen to me...It was like couple of months I couldn’t trust, I couldn’t sleep, what was gonna happen you know I don’t know anybody and I’m struggling with English”. This statement indicates that unaccompanied minors’ psychological needs require a lot of care, attention and time. Unfortunately laws and procedures do not always address this issue in Canada.

While having a conversation with Judith on the new immigration law, she reflected on how the new time line is inadequate for the newly arrived. She said “I’m a mental health

counsellor and I know that they need some time to just breathe. Some may have been running; they have been in hiding; they have been umm... they just need some time just to create a confidence level with them, whether they are really able to express what you know, and cuz they are still living in trauma of what they come through, you know it's hard to sit down where you've just finally arrived". This excerpt shows how legislation overlooks a significant area of concern. I would say if this is the way of dealing with unaccompanied minors, then it is an unintended violation of child rights in Canada. If a child who is born and brought up in Canada has psychological difficulties or is traumatized for any reason, it is the role of parents or care givers to arrange all necessary supports and treatments for that child whatever time it takes. Here we see that things are different in case of an unaccompanied minor. According to the new legislation, it would be a different scenario as there is no chance to allow a traumatized child an adequate time as he/she needs to get away from trauma.

## **7.6 The YES Program**

Kadir is an example of someone who came to the USA as a YES program student and finally ended up in Canada in 2009 as an unaccompanied minor. The excerpt from Kadir's interview reveals how a high school student who was offered the YES scholarship by the US government was turned into an unaccompanied minor at the end. In response to my question how did you come to Canada, Kadir said that "there was about 15/16 thousand students from Afghanistan we gave the exam, there was three exams and 32 were selected. After passing the exams, I came to States. After couple of months in the States, I got a phone call from my uncle that said if you come back cuz they don't like Americans in my country, like people are against the government so I was accused of being a spy for the government of the States, and if I come back they probably will kill my family. So I decided to leave, and I left after like 4/5 months going to school there, I had lot of money with me and then...I didn't know where to go cuz I was

about like 13 at that time. It was probably like 2009, and after two and half months of being lost...I was doing everything by myself...and then I almost ran out of money. So I went on the internet and researched the Rainbow bridge and I came to Rainbow bridge. I crossed the border, that's how everything started with immigration in Canada". This is how he arrived in Canada. He is in grade 11 during the interview (January, 2013).

Unaccompanied minors' arrival in Canada in the recent years is strongly linked to the YES program. Here I need to mention that YES program offered scholarship to a large number of Afghan students and consequently most of the unaccompanied minors in Canada in the recent years were from Afghanistan. Martha explains that "there were programs for a period of about five years that was feeding the unaccompanied minors entrance into Canada and it was called the YES program in the United States". According to the YES program website, this is the Kennedy-Lugar Youth Exchange and Study (YES) Program that was established by Congress in October, 2002 in response to the events of September 11, 2001. The program is funded through the U.S. Department of State and sponsored by the Bureau of Educational & Cultural Affairs (ECA) to provide scholarships for high school students (15-17 years) from countries with significant Muslim populations to spend up to one academic year in the U.S. Students live with host families, attend high school, engage in activities to learn about American society and values, acquire leadership skills, and help educate Americans about their countries and cultures. The program was established to provide a similar experience for U.S. students (15-18 years) in selected YES countries beginning in 2009-10.

Martha goes on "What was happening was that some of those youths as part of those program were coming to Canada, they either heard different things or weren't sure about next steps and they chose to come to Canada and they were categorized as unaccompanied minors

simply because their parent or legal guardian was not resident in Canada or in the United States. The last time we had YES program was in 2011 and I think that it contributed significantly to the decline of unaccompanied minors in 2012". Following Martha's interview, I researched the YES website and found that this program brought Afghan students to the United States for the 7 academic years from 2004-2011 and no longer offers scholarships to Afghan students (Kennedy-Lugar Youth and Exchange Study, "n.d."). High school students who were in between 15-17 years were involved in YES program and Martha refers to the involvement of the FACS who provides services to children below 16. In this connection it is worth mentioning that there was an influx in 2011 which was the last year of the YES program. In Chapter 5, table 1 shows that 78 minors and youth came in 2011 out of 154 minors and youth arrived from 2007 until January 2013 through Fort Erie port of entry. James states that "In 2010 and 2012, we had a large number of Afghani youths who were coming, I believe we served about in those two years... I believe the number that we served would probably have been between 30 and 35". Though he did not specifically mentioned about the YES program, it is clear that this large number was linked to the influx that Martha mentioned about. Later, as part of a follow up, it was confirmed by Martha that the influx in 2011 was due to the YES program in the United States and majority of 77 minors were at or under their 16 years old who entered into Canada unaccompanied. I spoke to Lynda as I became interested in knowing the role of the FACS who deals with children under 16, and in seeking the logical relationship of an organization's responsibility with such a massive flow of minors. Interestingly, the FACS did not have much involvement at that event as Lynda mentioned that "We didn't see anything... any influx coming to our front door. So if they were coming they weren't being brought to our attention". This point raises a question- is it because of

lack of coordination in a timely fashion or because all minors decided Canada as their destination by themselves.

The ‘paradox of globalization’ as discussed in section 2.5 of this paper reflects well in the YES program and this paradox impacts on Kadir’s case very clearly too. The YES program brought many children and youth like Kadir to the USA to provide them with better education, teach about American society and values, and develop leadership skills among them. Why? I would argue that is mostly because of the Westernized perspective of children that the USA wanted to impose or expand on some other parts of the world through the YES program. Globalization promotes the expansion of economic, political and cultural values which sometimes creates a dilemma and unfortunately, the other side of the coin is not considered in such a dilemma. The YES program made substantial propaganda about the benefit of this event, however it did not really take any responsibility of any missing child from the cohort. Such a paradox actually displays the golden part of the object; the unpromising part is always hidden to common people and we need to keep into consideration too.

In addition, if we look at the history of the YES program it is quite clear that this program was emerged after 9/11 which is an outcome of a political strategy of the USA government. This program stopped offering scholarships to Afghan students in 2011 and that was the year when Canada had a large influx of unaccompanied minors. This event proves how a political strategy makes children powerless and voiceless in the adult’s world. My research participant Kadir had two options: either to go back to Afghanistan and be killed, or to go to anywhere to survive. He chose the second one and came to Canada. However, after the program was discarded it is still not known how many unaccompanied minors came to Canada, how many remained in the USA and how many went back to Afghanistan for a dire consequence. Unfortunately, neither Kadir



nor any of the unaccompanied minors could make the YES program and the USA government accused for such an injustice.

### **7.7 Change in immigration law**

One of my research questions for the professionals was about the impact of recent change in immigration system in Canada. Here it is necessary to mention that a new law came into effect in December 2012 while I was in the process of establishing contacts with my research participants. I began interviewing them during mid of January 2013 and when I arrived at this question in the interview I realized that my participants might not be fully aware of it as because it has come into effect very recently. The comment of James proved my assumption correct when he told that “it’s too early for me to really assess how it will effect younger people, it has been my experience of most unaccompanied minors are like they have been successful in the refugee claims, umm... in many cases because they are young and you know Canada is willing to accept them and doesn’t want to remove them or that type of things. But under the new system, I’m not really sure how it’s going to affect them umm...The timelines are shorten...I think the new system isn’t really going to impact the young people as much as older people”.

Melenie spoke about a dramatic decline in the number of unaccompanied minors in recent days which is significantly lower than the number of refugee claimants that they had two years ago. I wanted to know if there is any connection between this decline and the new law. She explained, “I can’t tell you what bill it is, I’m not good at that. But I just know that prior to I think it was 2011, umm... Canada wouldn’t turn you away at the border because there are safe countries and there are a bunch of different things in place. Now to make a refugee claim when they come to the border they can’t make a refugee claim unless they can prove that there is a family member in living here. So it can be an uncle, can be a cousin, it doesn’t have to be a

parent, but then it changes and whether such a person would be considered unaccompanied now, it totally changes the whole picture”. According to the Enforcement (ENF) manual 20 of the CIC, “an unaccompanied minor is a child under 18 years of age who is separated from both parents or from their legal guardian” (p. 18). This definition does not indicate if the presence or absence of an unaccompanied minor’s legal guardian in Canada would impact on the minor’s status.

As described in chapter 5, the new law is mainly about a change in timeframe to submit papers for legal hearing on refugee claimant process. I approached Judith with the same question, and her answer was “it’s very quick, we used to have with...they call it PIF, when people came in they had 28 days, we had lot of time for them to apply for legal aid, find a lawyer and get their papers in 28 days. Now it’s two weeks, the PIF is gone, the new legislation is the BoC”. Later she adds that it is very hard for a newcomer to prepare all documents for hearing in such a short time. Pointing out the quick timeframe set in the law Lynda asks, “Who is gonna help them prepare for that! I think there’s certainly a clear inconsistency, and it challenges around capacity”. She concluded saying that she does not “understand it enough to be able to give an informed comment on it”. Maria looked at the CIC website while replying to this question and commented that “I saw the changes in immigration website and it’s effecting more on the new comers to Canada” and she thinks that it might not have an impact on unaccompanied minors arriving in Canada a lot. As already mentioned, the PBNC is an NGO run by Fort Erie Multicultural Center, so I wanted to know Martha’s perspective about this. From her experience, Martha informed me that unaccompanied minors have expedited hearings anyway but she needs to look into the new law if this expedited process would continue. She explains that “what I mean by that is normally the refugee claimant will need to attend their immigration hearing in

Toronto, unaccompanied minors typically tend to go to Niagara Falls in a shorter period of time than the typical refugee claimant. Now under the new bill because the time line is shorter anyway, of that piece I'm not certain whether that's still an expedited hearing in Niagara Falls or they're gonna go to Toronto".

From this conversation, I would like to draw a conclusion about Canadian immigration and refugee protection system saying that it has very little to do with an unaccompanied minor. The immigration law does not really consider the necessity of extra care and requirement of extra time particularly for minors who are in serious trauma and stress after their arrival in Canada. This is how Canadian government wants to govern the unaccompanied minors. I find this situation reflects Foucault's third type of plurality of government i.e., the science of ruling the state (section 3.2). In this type of governmentality, government's business is connected with politics and politics is governed as well as influenced by the people who do not deal with unaccompanied minors and therefore cannot represent these minors. Availability of information at policy makers' level regarding an unaccompanied minor's rights and needs would help improving the pattern of governmentality of the Canadian government to deal with the issue of unaccompanied minors in a more fair and balanced way.

### **7.8 The Safe Third Country Agreement**

According to CBSA website, the Safe Third Country Agreement is an agreement between the governments of Canada and the United States to better manage the flow of refugee claimants at the shared land border. This agreement applies only to refugee claimants who are seeking entry to Canada from the United States at Canada-United States land border crossings, by train and at airports. The website also explains that under this agreement, persons seeking refugee protection must make a claim in the first country they arrive in (United States or Canada), unless

they qualify for an exception to the Agreement. Therefore, refugee claimants arriving from the United States at the Canada-United States land border may be allowed to pursue their refugee claims in Canada if they meet an exception under the Safe Third Country Agreement. The Agreement is part of the Smart Border Action Plan and builds on a strong history of Canada-United States cooperation on issues related to migration and refugee protection and came into effect on December 29, 2004. During the interview, Martha spoke about this agreement and the exceptions in it. She mentioned “the Safe Third Agreement has an exception for unaccompanied minors, so they truly fit that definition umm...that they would be found eligible is more likely and because also they are unaccompanied minors there’s going to be supports in place”. Now the question comes what is this exception about? Exceptions to the Safe Third Country Agreement are based on principles that take into account the importance of family unity, the best interests of children and public interest. This agreement allows four types of exceptions, such as, Family member exceptions, Unaccompanied minors exception, Document holder exception, Public interest exceptions. In this study, I focus on the second category, i.e., unaccompanied minors exception.

This idea illustrates that refugee claimants may qualify under this category of exceptions if they are unaccompanied minors (under the age of 18) who:

- are not accompanied by their mother, father or legal guardian;
- have neither a spouse nor common-law partner; and
- do not have a mother, father or a legal guardian in Canada or the United States.

Lynda’s perspective of the STCA is “with STCA I mean that provision in STCA that allows for them to bring their family over once they’ve been granted status in Canada must be a tremendous”. However, she also indicates the opposite view as she points out that “the kids who

say they are 15, they don't have documentation, they could be older than 15, they know that there is a child welfare agency here. So it's not always the truth that comes across...What motivation has been created for people to accommodate the requirements of entry under STCA".

Presumably the agreement calls for advocating the importance of the best interest of the child, however it did not really do so. I find a similarity between the consequence of the YES program and the STCA. Both of these initiatives claimed that their objective was to benefit children, though their objective was designed in different motivations. However, it is clearly visible that both of these efforts eventually contributed in separating children from their families. Views of my research participants, especially Kadir, Martha, Lynda supports my argument and confirms that all programs initiated by adults do not always guarantee 'the best interest' of a child.

### **7.9 Service provisions and networking among service providers**

Conversations with my research participants gave me ideas about patterns of service provisions for unaccompanied minors. This section provides details of the experience of recipients as well as service providers and networking among the service providers.

Youth participants in my study are happy with services they received from shelters/transitional homes. Abel thinks that services in his shelter are very good because they helped him a lot and did everything for him. He cited an example "when I have appointment they drive me up there, they find lawyer". Beyond fulfilling basic needs, agencies provide support to the youths' extracurricular activities which is reflected in conversation with Jack and Kadir. Jack spoke about his joining in the basketball team where multicultural center provided support. Likewise, Kadir received assistance to pay for his boxing equipment which he is very happy with.

Now I turn to the service providers. My question to FACS staff member Lynda was how they respond to and begin the process of providing services to an unaccompanied minor. She said: “Immediately we would dispatch someone to meet with the child at the Peace Bridge or any other bridge that the child happened to be at and we would conduct in-conjunction with the authorities there are reasons why they believe this is a child to be in need of protection and conduct an assessment”. This assessment determines the pattern of services that the child is eligible for.

The PBN center staff member Maria replied to my question from more of a counselor’s viewpoint. She said “most of the time it’s conversation with them, trying to gain their trust, and trying to explain them that we are here to help to support and to guide”. Here I would like to refer to Martha’s argument as she thinks that we need more interaction with them because more interaction leads to have more conversation. Regarding service provisions, Maria goes on: “We explain them about school, about immigration, all the process they have to do... it’s a hard situation because they are with immigration case. Then after we explain about school, multicultural center and immigration, we refer them to the shelter and it’s the shelter who will take them to the other steps. So, we provide support for school one of the basic things they have to get involve with, if they need counseling, immigration documents, immigration papers, housing, social assistance, transportation, everything”. As I learned from Maria and Leonas, these services are designed not just to support an unaccompanied minor but for anybody who comes in contact to the PBN center.

Martha elaborates “we play a variety of roles. One could be guardianship depending on whether that’s been previously arranged or not”. She gave an example from her experience, “one time we had five boys in one family, they were all brothers, each needed to have a guardian. So

you know the two people from Matthew House for guardians and there are three people from Multicultural center that are guardians. So we worked with them, helped them get registered for school, helped them get assessed for their language skills if language is a concern, helped them find housing depending on their age and the scenario with the boys, the oldest was going to be 18 very shortly...they were actually orphans, so they were unaccompanied according to The Safe Third Country Agreement but they were also unaccompanied simply because they were orphans. They lived in our community for few years, and umm... a multiple level of role... we worked with them to their hearings to immigration, sort of advocated, some of the roles blending that was going on in their own accommodation and in many ways they were this sort of complete family unit at the same time they were still kids”.

The above conversations denote how important the role of agencies can be in the life of an unaccompanied minor which is not only the subject of funding but also demands a lot of attention and comprehensive and consistent planning to deal with the child protection issue. This comprehensive planning requires strong coordination and networking between/among agencies.

Let’s hear what my research participants think about establishing coordination and network. The YMCA staff member Rohaina gives an account of their work: “we try to avail and connect them to the community as much as possible and any funding that is available within the community and any programs...we have very good relationships with all other agencies that are providing such funding for new comer youths or families, we try to connect them to these programs. So make them more comfortable in the community and get them more involved”. Her organization pays equal attention to make both accompanied and unaccompanied minors eligible for different programs through the YMCA membership. She explained “we refer them to pro-kids program which provide a \$100 for year for any activities for kids between the ages of 0

to 18. Niagara region provides this funding. Canadian Tier has a program call Jumpstart, they don't exactly have a limit for amount, but the eligibility is that the program has to be anything where the kids can be active, they have funding only twice a year, so we have to have it at the beginning of the year or the end, pro-kids is throughout the year. Jumpstart program even at times covered the cost of registration, uniforms and equipment, so up to even \$450 I've seen a case they covered up". To me, it sounds encouraging particularly for an unaccompanied minor. This could be a good example of how local agencies play significant roles providing financial support to a child or youth who is away from family.

In order to reflect on the importance of networking among service providers, I am going back to Martha's example where she spoke about managing a family of five young brothers. Martha points out that sometimes agencies just meet the requirement and ignore the scope of negotiation for improved services. Referring to the Children's Aid Society, she explains, "their role is legislated and sometimes I've found that there has been some inconsistencies depending on who is working on in that situation, who the worker is, or what relationship we have with a particular worker or particular supervisor or department". She goes on, "then there has been other times where I thought they should have intervened then they didn't you know, I felt that we needed a little intervention here, we needed a little umm...toughness coming from them to sort of help us to and we didn't get it... just giving an example of something that the FACS did that says to me that they need our help and we probably need theirs too just to build our mutual understanding of each other's role". This conversation suggests that there needs more consistency in developing understanding and maintaining communication between two agencies. Here I did not want to take the position of a journalist and, therefore, did not question the FACS



about actually what happened or why that happened, rather as a researcher I attempted to uncover the phenomenon that might influence a minor's life directly or indirectly.

However, I approached to FACS staff Lynda to know how they establish coordination and networking. She emphasized on the nature of problems as she experienced that each children brings brand new circumstances and challenges. She said "we go to who we feel can best assist in terms of planning for the child if it's within this region we certainly have people and agencies that we can contact for assistance for planning purposes, for interpreting, for legal immigration services".

#### **7.10 Success of services**

While talking about success of services, I observed that my research participants, especially the professional group felt contented. James told that "they move away but they keep contact by email, facebook and coming back to visit and that kind of things. But you know, it varies, but independence and seeing them achieved their dreams, goals...that's what I consider success for us as their success". On the other hand, using Munir's example, Martha thinks that "he is someone that as an unaccompanied minor has been in our community longer than most, he stayed with us and some of that I'm gonna give some credit for in terms of the organization because we know he is alone...but my sense is that he feels connected to us, it's kind of a support system...I think we've been successful in that regard". These conversations provide a picture that service providers consider them successful when they find that an unaccompanied minor is able to sustain in a new society independently.

Melenie measures success of services more specifically which is also in connection to gaining independence. She thinks that motivating youths to move "on to employment and/or post-secondary education" is an indicator of success of services. Conversation on success of

services warns me there cannot be a unique standard to measure success of service due to difference in background of each unaccompanied minor, their way of coping up in a new culture and their pattern of expectation to the service providers. Rohaina's comment is also similar to the above points: "when I see a genuine thank you from the student, or they are happy and they know that they can count on one of us, I think that shows that... the first person who they always consult is one of us, even though there is a youth counselor, there is a guidance counselor at school but they always come to us first and ask for opinions like what do you think, so they trust us. I think that shows that they have enough confidence on us and they know that we'll guide them to the right person so I think that's part of it". These words are echoed in Paola's voice too. I asked her how long did she stay at Matthew house, she replied with an expression of happiness "I still stay at Matthew house (laugh), I thought I like to say, it's still my home".

### **7.11 Suggestions and recommendations to overcome inconsistencies**

At each of my interviews with the workers, I sought their suggestions and recommendations for the wellbeing of unaccompanied minors. They did not directly reflect on policy related suggestions, yet their ideas and feelings convey a message that policy needs to consider not just basic rights and legal aspects concerned to an unaccompanied minor rather also to look at him/her from more human rights perspective and act on fulfilling living rights of these children as well. Rohaina points out that "the moment they enter Canada the shelters are the first ones to pick them up from the border services and bring them to the shelters where they are provided boarding, lodging... everything for free and they have a limit of about a month I believe, but usually I've seen families who have stayed there for six months before they could be on their own...I think they should be funded more so they can be able to do the amazing work that they do". She emphasizes on the need of housing for both individuals and families and that

includes minors as well. Settlement services are an essential part of the federal government's immigration program and the YMCA is responsible to provide these services to the newcomers and from that point of view housing for newcomers is a priority issue to her.

As part of a suggestion, Melenie also recommends housing issue from a different perspective. She focuses more on the age of a minor and youth that could make him/her more vulnerable and that is why a minor/youth needs more protection and care. She feels that "housing is an issue not only for youth but housing is an issue. I guess my concerns come from... I mean it's a bit of just more of a personal, are they okay feeling. But you know could there be possibly a monitored housing complex maybe, like I'm kind of thinking like a residence where there would be someone that they could have there to kind of report to and to kind of ensure that". From her experience, she thinks that she is successful in her work, especially those that she had worked with and she is happy for that. Yet, she explains the reason of her concern that she "could see how easy it would be to go to on a bad path. I could see how easy it would be to avoid school and actually I did have one who did struggle in school because trying to find that play or school balance was difficult for him". She continues "at the same time I feel like there should be a place that you know to ensure like that they are eating properly". Therefore, she recommends that a supervised type of housing would be benefited to them.

Judith considers that the access to program for youths is an important thing. Because of frequent movement and living out of network of service providers it becomes hard for the shelters to reach those young people. Judith told "when they are here we can sign them up for the program, we know they are eligible, but we have to have a place of connection where you give them information. They are in high school, they may or may not speak English, so I think sometimes they miss our programs and things because of the disconnect... if they are not in that

network”, although she did not suggest any particular way to keep them under the communication network. In my conversation with Melenie, I learned that despite their frequent movement from time to time, many youths are still in touch with her through Facebook, email, phone which is a helpful way to follow their track and to give them necessary information. This is really an important matter that organizations/service providers may strategize ways to keep an unaccompanied minor under their network for a certain time.

Another suggestion was given by James who thinks that it is essential to be flexible about young people’s Canadian working experience and obtaining a driving license. Regarding working experience he told that it is one of the “most difficult things for them to gain, I mean we in Canada we say you need Canadian work experience, and yet quite often the very people who could give that Canadian work experience are the people who are saying you need that Canadian work experience (laugh), and I think one of the good things that’s available in the community is volunteer opportunities because Ontario Works requires that and I think it’s a good idea because it does give people Canadian work experience”. About driving license, James thinks that “it would be very good if there are opportunities for them to get good instruction in a good driving school for reasonable...you know to have that subsidized for them, to help them out with that and also it would be great if they could get some kind of insurance subsidy”. I would like to stress that the Canadian immigration system needs to look at these suggestions.

Funding was another important point that some of the workers focused on. Rohaina draws attention to the inadequate funding in settlement sector as an issue which is also supported by Lynda. Lynda thinks that more funding as well as more efforts for capacity building is required in order to not “jeopardizing their safety”. She adds that “international social services went a couple of years ago through a tremendous cut back in terms of financial support, without

them we would have no one to go to...the supports and the resourcing to help us to do what we require to do is not always there". She also comments: "there are inconsistencies in our practice that are driven by a number of things whether it's just knowledge or an understanding that's no longer current. This is a field of intelligence that if you don't operate in it on an almost day to day basis, you quickly fall behind".

While some of the research participants were focusing on funding, interestingly Martha's viewpoint reflects a different pattern as she believes that this sector does not need more financial resources. She describes the reason: "it's not a dollar resource, it's more of a human resource, it's a conversation resource where communities, people and neighborhoods and my next door neighbor need to talk more...people do not talk to each other anymore, we email and we don't even use the phone, it's extremely scary". This is how she explains the necessity of interaction among unaccompanied minors, local community as well as community involvement with services. From a community and a cultural perspective she believes that "there's a very unique process that happen when you and I have a conversation, and that is that I become more of who I'm so to you, because of the characteristics we are able to exchange and so that's what I think we need to focus on".

Martha ended up her conversation with an African saying "it takes a village to help a child grow up". When we talk about child protection or child rights policy, generally, we mean a set of structured rules that guide people to act under a system. Martha's conversation raises a question; such as, in order to strengthen the support system for an unaccompanied minor, do policies suggest agencies to continue interaction among the communities? Or it is up to the service providers. Broadly speaking, my research participants did not really clearly mention if there is any guideline in the policies to involve local communities with services for an

unaccompanied minor. Yet many organizations willingly work with the local community to create a better protection mechanism for that child. I would argue that policies need to specifically suggest service providers how to improve interaction among communities, and also service providers need to take more initiative to involve communities in order to strengthen the support system.

To conclude the thematic discussion, I would like to refer to Netland's (2013) idea of "capturing all elements of events" (p. 85) through the narratives of data. This section attempted to capture from the moment of their arrival in Canada to all the relevant events that an unaccompanied minor has to go through. As mentioned earlier, these themes have been drawn from two sets of data, i.e., from service providers and from unaccompanied minors, and each set supports the other in a coherent manner. Based on this thematic discussion the following section presents the major findings of my study.

**Chapter 8: Findings: results revealed by data analysis**

*“A boundary is not that at which something stops but as the Greeks recognized, the boundary is that from which something begins its presencing”.*

-by Martin Heidegger

(Heidegger for Architects, Adam Sharr, 2007, p. 55)

The reason of employing this quote into my thesis is to show the link between the message lying in this quote and an unaccompanied minor's spirit and determination to begin life in a new place. Generally a 'boundary' refers to the end of something i.e., a territory. The Merriam-Webster dictionary defines that a 'boundary' is something that indicates or fixes a limit or extent. Indeed this is the most typical meaning of this term. However, in my understanding, Heidegger uses the term 'boundary' from an atypical as well as an optimistic point of view that actually makes us think beyond the traditional meaning. Heidegger, using the word 'boundary', refers to the horizon and indicates the freedom. With the words 'something begins its presencing' he makes it even clearer as he shows that a boundary is the point where a journey begins from and it is not a place to feel restricted in or to give up the hope. I find a similarity between the underlying message of this quote and the spirited narratives of unaccompanied minors' experiences. None of the five youths that I interviewed gave up their hope rather was eager to begin a new life in a new place. Thus their stories in fact challenge the dominant notion of childhood and/or children. Drawing on my understanding of participants' narratives, I suggest that in the adults' world an unaccompanied minor is vulnerable and in need of protection, at the same time he/she is resourceful and confident. Their determination and spirit to maintain their

identities through utilizing their resources are linked to child rights and children's living rights equally.

As mentioned already, my passionate inclination to hear unaccompanied minors' experiences in their own voice drove me to conduct this study. Interestingly, the findings of this study present something more beyond the reviewed literature. In fact, the literature that I reviewed for this study does not provide much information about events that take place right after their arrival in Canada. From this perspective, this study attempts to reveal how newly arrived children perceive the happenings going around him/her and how their perception and life are influenced by the services they are offered in Canada. This chapter illustrates key findings of my thesis in the areas such as, understanding of service providers on 'an unaccompanied minor', the conceptualization of trafficked children and unaccompanied minors, service provisions and pattern of coordination among organizations, frequent movement of unaccompanied minors, service providers' practice of record keeping and follow up with these children, governmentality of Canadian government in dealing with unaccompanied minors that reflects through legal procedures of the government and, finally, the YES program and its effects on the influx of unaccompanied minors' arrival at Canada in recent years.

A major finding of this study is to show how service providers define an unaccompanied minor. As mentioned in the literature review chapter, Canada has not yet unanimously defined an 'unaccompanied minor' and that is what I have found common among the people of different organizations and transitional homes. They define this concept in different ways. In determining who is to call an unaccompanied minor, some consider a minor's age to be the most important factor while some emphasize on whether or not the child is accompanied by anyone. Some of my participants attempt to specify who this 'anyone' could be, for instance, some of them think that



accompanied by a legal guardian would mean one thing which would differ with the meaning of accompanied by any adult. I also note that some of my participants consider the issue of presence of any legal guardian of the child in Canada because that might or might not define him/her unaccompanied. One might question the rationality of having a unique definition of an unaccompanied minor. I would argue that it is vital from the child rights perspective and it is not to 'label' them into a different category but to confirm that their rights are met. The UNCRC (1989), in Article 20 and 22, urges for the right to special assistance if the child is deprived of their family. We need to remember that children are entitled to specific rights under a number of national legal instruments as well. A clear understanding about a service recipient facilitates the process of bringing them under a support system and this is why it is important to have a common definition of an unaccompanied minor.

The data of this study shows that my research participants conceptualize trafficked children and unaccompanied minors almost the same way. However, some of them especially who work in organizations, for instance, the FACS, thinks that there is a chance that an unaccompanied minor could be a trafficked child too. People who work in the transitional homes they look at it from more service delivery point of view and they think that their main job is to provide services to a child, whether he/she is unaccompanied or trafficked, and they also think that it is not their job to investigate if the child is a trafficked minor or not. Some of the participants think that it is the responsibility of the CBSA to identify if an unaccompanied minor is a trafficked child. The data also speaks that at Niagara region it is not uncommon to hear about trafficking story in connection with unaccompanied minors. Still most people hold the same kind of notion that it is not their mandate to verify the background of an unaccompanied minor rather providing service to a child is their main thrust, regardless of his/her status.

Another major finding of my study is to understand the pattern of services that are provided to unaccompanied minors and nature of coordination exists among organizations who are involved in service provisions. People who are working in organizations and transitional homes follow the set procedures to ensure the best service to an unaccompanied child. It is noteworthy that organizations and homes that I visited are not exclusively for children, rather these are for all newcomers or refugees in general who need support in their post arrival days. However, these organizations guarantee a safe shelter, food, social and legal support to a child who crosses the border alone. The first step of the intervention is to fill up an assessment form where a child's participation and opinion is ensured. Their support continues until schooling or employment of the child, by that time he/she turns into a youth though and here appears Ontario works who provides financial support to a youth till she/he is financially independent. In the entire process of service provision, organizations need support of each other on many occasions. This is why coordination and networking among organizations play a strong role in the wellbeing of the child as long he/she is in touch with transitional homes and other organizations. The data in this study does not provide an impressive picture of coordination and network among organizations especially when one organization reports that another organization could have been more supportive on a particular event (please see section 7.10). I feel that service providers need to be more careful about practicing coordination between and among themselves.

The next finding is an interesting one that I think very few of the literature addressed. It is about frequent movement of unaccompanied minors. An unaccompanied minor is permitted to leave the transition home and/or start independent living once they attain their 18 years of age. Data shows that transition homes and organizations lose contacts and cannot reach them out in time, especially when there is an event going on in the home or an important message needs to

be delivered to him/her. However, some organizations keep contact with unaccompanied minors through Facebook, email or phone and such other ways which is more from personal level than structural. The data does not confirm if there is any formal rule or strategy that the service providers follow to maintain contact with unaccompanied minors and youths regularly or sporadically. This finding actually ties to the next one which focuses on organization's practices of record keeping.

There is no explicit timeframe or age limit that would guide organizations/ transition homes to keep an unaccompanied minor in their contact list. Few organizations maintain a contact list in their own way which is helpful to them to follow up a child, if needed. In addition, organizations arrange get together or dinner party with these children which is also a way of follow up. However, my study does not see any regular practice in the transitional homes and organizations that is used to follow up and maintain updates on an unaccompanied minor. One of the organizations was able to provide me data that contain these children's information regarding their age, country of origin, date of arrival etc. yet that does not give idea about the follow up procedure. Another organization that deals with abandoned children and unaccompanied minors but does not maintain children's record categorywise. It reminds me of the literature review section of this study where at one point it has been mentioned that the Canadian government does not have statistics about unaccompanied minors. Here I assume that above mentioned organizations' limited practice of record keeping might contribute to having no statistics with the government of Canada. In other words, grassroots level organizations are, probably, not encouraged by the government to maintain and update data on these children.

My study has been able to obtain a picture of Canadian government's governmentality in terms of looking at the child rights through the lens of legal aspects. Being said that I would like

to draw readers' attention to the last finding of my study that is about a recent legislative change in the immigration system of Canada. The above findings that I have presented so far are obviously connected to the government's policy, yet this one is linked more directly. In 2012 a new law in the immigration system has been made that aims to accelerate the refugee claimant process. This law considers children and adult equally because the new timeframe that this law suggests would work regardless of any refugee. My concern is about the timeframe which I discussed with my research participants. Based on their opinions and considering children's vulnerability, especially in post arrival days, I came to know that this law would be helpful in terms of expediting the claimant process, however, it is a question if this law really considered traumatized unaccompanied children who need little longer than adults to adjust to a new place. It reminds me of the saying that all initiatives taken by the adults even if they are with good intention may not guarantee the best interest of a child.

Finally, this study reveals an interesting finding on the recent influx of unaccompanied minors that took place in 2011. This is interesting because, firstly, none of the literature brings out the story of this influx that caused by the YES program, and secondly, it is important to note how an initiative of the USA government had turned many children into 'unaccompanied minors' in Canada. Here I do not argue if the intention of the USA government was good or bad because that was not the purpose of my study, I just focus on what my study has revealed. From 2007 to January 2013, Afghanistan is on the top of 33 countries where 50 children and youth came from and these young people came to Canada unaccompanied (Table 2, chapter 5). They did not have the scope to go back to Afghanistan because of political reason and many of them did not have the chance to stay in the USA, therefore, they found their last resort in Canada. Because of the YES program story, I cannot come to a general conclusion that children are

adventurous and this is why they want to travel to an unknown country. I would rather note that children become victims in an adult's world, in cases like the YES program, through getting disconnected from family and relatives at a very early stage of life, whatever the reason is, either political hostility or governmentality.

To sum up, the data of my study asks to think more about the life situation of an unaccompanied minor from an unaccompanied minor's perspective too. We often fight with the articles and clauses of national and international legal documents, debate on child rights and child protection issues, however, it is time to revisit our thoughts to understand the inconsistencies between our actions for an unaccompanied child and what he/she really is in need of.

**Chapter 9: Conclusion**

The overall goal of this study is to draw attention of the scholars, service providers and policy makers to unaccompanied minors and how services are provided to them in Canada. The results of this study support some of the previous studies on unaccompanied minors in Canada while they also add new ideas to this particular area. One of such new ideas that my study reveals, for instance, is the recent years' influx of unaccompanied minors in Canada caused by the YES program. This study also notices children's interest and understanding about their lives in a place where they are far away from their families. Their 'unaccompanied' status does not restrict them from expressing their opinions perceiving life in their own way. Tuukkanen et al.,'s (2012) perspective has been echoed in some of the ideas emerged throughout my study:

"children are able to express their opinions, note deficiencies and propose ideas for decisions and action related to their own but also other people's lives" (p. 144). It is time to ask ourselves how these opinions are valued in an adult's world.

Living in the era of globalization we cannot stop the entry of unaccompanied minors into Canada, but we can try to manage the situation better considering child rights as well as living rights of unaccompanied minors. In this 'managing' task, based on the findings of my study, I have argued that there are certain areas that we really need to address. One of these areas is improving sensitization at the community level on an unaccompanied minor and his/her rights. Many people, except service providers, are not much aware of the arrival of a minor who come to Canada by themselves. This awareness could be strengthened through the positive role played by the media. Unfortunately before sensitizing others, in some cases, I would argue that media itself needs to be sensitized at first as we see that media sometimes portray unaccompanied minors as a threat or a danger even without knowing the background of that child. Section 2.3 of

this paper supports my argument where I presented an example of such a news item. Another important point that requires attention is maintaining record and updating database on unaccompanied minors. The introductory chapter of this paper shows that Canada despite being the first country in the world to develop special guidelines in 1996 for dealing with unaccompanied minors does not provide data to the UNHCR on unaccompanied minors. I wonder if it is because of lack of understanding of the importance of data on accompanied minors at the government level. The structure and purpose of my study did not really allow me to investigate this point. However, I argue that adequate attention needs to be given to maintain records and update database, and thus modify policies and guidelines.

Another important thing that I noticed is there is no follow up mechanism for the cases of unaccompanied minors in Canada. The child welfare agencies look after them until they are 16 and later the Ontario Works<sup>4</sup> provides with financial support to them as they grow up and start living by themselves. Because of keeping no trace of an unaccompanied minor the service providers do not know what happened to him/her afterward. As mentioned earlier, some of the service providers occasionally follow up with a few numbers of unaccompanied minors through Facebook or phone which is actually an informal way of communication, but there is no systematic follow up approach in place to know the consequence of a person once who came to Canada as an unaccompanied minor. Another significant area that my research draws attention is a lack of consensus on definition and age of unaccompanied minors in Canada. Lack of consensus among workers that I interviewed on defining an unaccompanied minor supports the literature review section of this paper where it is shown that Canada yet to have a common understanding of defining unaccompanied minors. The section on statistical facts shows that it is

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<sup>4</sup> A program run by the Ministry of Community and Social Services help to build communities that are resilient, inclusive and sustained by the economic and civic contributions of all Ontarians.

common for Canada to receive unaccompanied minors at any age, for instance, from 1 year olds to 18 year olds. Having a clear definition of an unaccompanied minor would help service providers avoid confusion and thus contribute implementing child rights. Finally, strengthening coordination among relevant organizations such as the CBSA, national and international organizations and NGO service providers who are involved in providing series to an unaccompanied minor in Canada is another significant area to be taken care of.

In addition, the life situation of unaccompanied minors in Canada explicitly reflects the theoretical frameworks of my study. The alteration between a minor's original culture and new experiences of social patterns facilitates his/her hybrid identity formation as Bhabha's explains in his postcolonial theory. On the other hand, the governmentality of the Canadian government assimilates Foucault's concept of governmentality. While offering services to an unaccompanied minor, workers follow certain procedures that reflect the morality, economic strategies and policies of the government which is, in fact, the reflection of governmentality of the Canadian government. This study also examines our position of recognizing children's living rights, translating those rights and ensuring social justice. From the perspective of the living rights, Hanson and Nieuwenhuys's arguments suggest that the idea of defining children's rights by the state or by international bodies needs to be revisited in order to let children enjoy social justice.

I believe findings of this study would be able to minimize the gap in the literature that studies unaccompanied minors and youth in Canada. The literature points out that 'children's voices are not heard' and it often makes me think of my role, especially if I could intervene from my position as a graduate student of Child and Youth Studies. Thus, this study attempted to give a voice to these young people. I also took effort to create a space to have meaningful conversation both with unaccompanied minors and service providers, and identify how national



and international legal documents look at and overlook children's rights as well as their living rights. However, while my research has not in any way tried to represent all unaccompanied minors in Canada, I acknowledge the significance of listening to wide range of unaccompanied minors' experiences. Therefore, I hope this research would be helpful for others to conduct further studies on this field.

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